



Bureau of Justice Statistics

Survey of State Procedures Related to Firearm Sales, Midyear 2004

State by State

- Prohibitions against purchasing firearms
- Restoration of rights to purchase firearms
- Permits
- Waiting periods
- Fees
- Appeals

Includes the FBI's
National Instant Criminal Background Check System

U.S. Department of Justice

Office of Justice Programs

810 Seventh Street, N.W.

Washington, D.C. 20531

Alberto R. Gonzales

Attorney General

Office of Justice Programs

Partnerships for Safer Communities

Regina B. Schofield

Assistant Attorney General

World Wide Web site:

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

Bureau of Justice Statistics

Lawrence A. Greenfeld

Director

World Wide Web site:

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

For information contact

National Criminal Justice Reference Service

1-800-851-3420



Survey of State Procedures Related to Firearm Sales, Midyear 2004

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Lawrence A. Greenfeld
Director

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More information on this subject
may be obtained from:

Gene Lauver, FIST Manager
Regional Justice Information Service
4255 West Pine Boulevard
St. Louis, MO 63108
Phone: (314) 535-1455, ext. 260
Fax: (314) 535-1729

Devon B. Adams, BJS State Program
Manager, and Ronald J. Frandsen,
REJIS, wrote this report. Gene Lauver,
Michael Bowling, and David Naglich
assisted in collecting survey data for
REJIS.

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Introduction

Survey of State Procedures Related to Firearm Sales, Midyear 2004 is the ninth in a series of Bureau of Justice Statistics (BJS) reports. This report describes laws, regulations, procedures, and information systems related to sales and other transfers of firearms that were in effect as of June 30, 2004. Procedures summarized in the survey are required by the laws and regulations of the United States, the 50 States, and other jurisdictions.

History of the survey and related bulletins

This national survey is produced by the BJS Firearm Inquiry Statistics (FIST) project, a component of the National Criminal History Improvement Program (NCHIP). NCHIP provides funding and technical assistance to improve the quality, timeliness, and accessibility of State criminal records and support interfaces between State and national record systems. The FIST project was established in 1995 to collect data that describes the scope and impact of firearm background checks required under Federal or State law.

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

Data collected and analyzed by the FIST project are also reported in BJS Bulletins. Five bulletins reported counts of firearm transfer applications and denials for the Brady interim period. (A cumulative summary is presented in *Presale Handgun Checks, the Brady Interim Period, 1994-98*, June 1999, NCJ 175034.) More recent bulletins have summarized counts of firearm transfer applications and denials for the first five full years of the permanent Brady period. For the most recent bulletin, see *Background Checks for Firearm Transfers, 2003*, September 2004, NCJ 204428.

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

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

Survey methodology Information for this report was collected from hundreds of Federal, State, and local agencies, including law enforcement organizations, statistical analysis centers, and legislative research bureaus. Descriptions of procedures and statistical data were voluntarily provided by agencies participating in the survey. Data analysis and supplementary legal research were provided by the Regional Justice Information Service (REJIS), the organization conducting the study pursuant to a cooperative agreement with BJS.

To ensure the accuracy of the information as of June 30, 2004, a draft of each State's summary was sent to the agency designated by the State for review and comment. The final version of each summary, as contained in this report, was reviewed and approved by a State contact.

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

Glossary

Assault weapon A semiautomatic firearm with a large-capacity magazine and special features common to military weapons.

Antique firearm A firearm manufactured in or before 1898 or a replica thereof, provided it is not designed for using rimfire or conventional centerfire fixed ammunition; or any muzzle loading rifle, shotgun or pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition.

Curio or relic A firearm manufactured at least 50 years prior to the current date or certified by the curator of a municipal, State, or Federal museum, or that derives a substantial part of its monetary value from the fact that it is novel, rare, bizarre, or associated with some historical figure, period, or event.

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

Handgun A firearm that has a short stock and is designed to be held and fired by the use of a single hand, such as a pistol or revolver.

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

Machine gun (automatic firearm) A firearm that shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one bullet, without manual reloading, by a single function of the trigger.

Pistol A weapon originally designed, made, and intended to fire a projectile from a barrel when held in one hand, and having a chamber as an integral part of, or permanently aligned with, the bore, and a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore.

Revolver A projectile weapon, of the pistol type, having a breech loading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

Rifle A weapon, designed, made, and intended to be fired from the shoulder; and designed and made to use the energy of an explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Semi-automatic firearm A firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

Short-barreled rifle A rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

Short-barreled shotgun A shotgun having one or more barrels less than 18 inches in length, and any weapon made from a shotgun, whether altered or modified, if such weapon has an overall length of less than 26 inches.

Shotgun A weapon designed, made, and intended to be fired from the shoulder, and designed and made to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger.

Unsafe handgun ("Saturday night special" or "junk gun") A handgun with a barrel length under 4 inches that is easily concealable and not effective for sporting or self defense purposes due to its poor quality of construction, inaccuracy, and lack of essential safety features.

Definitions are from or adapted from Federal and State codes. (A jurisdiction's laws should be consulted for its specific definitions.)

Initials and acronyms

ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BJS	Bureau of Justice Statistics
CLEO	Chief Law Enforcement Officer
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FFL	Federal Firearms Licensee
GCA	Gun Control Act
III	Interstate Identification Index
NCHIP	National Criminal History Improvement Program
NCIC	National Crime Information Center
NICS	National Instant Criminal Background Check System
POC	Point Of Contact

Background

Federal prohibitions The Gun Control Act (GCA), 18 U.S.C. 922(d), 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 one year;
- * is a fugitive from justice;
- * is an unlawful user of or addicted to any controlled substance;
- * has been adjudicated as a mental defective or committed to a mental institution;
- * is an alien unlawfully in the U.S. or admitted under a nonimmigrant visa;
- * was discharged from the armed forces under dishonorable conditions;
- * has renounced U.S. citizenship;
- * is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child; or
- * has been convicted in any court of a misdemeanor crime of domestic violence.

In addition, it is unlawful for a Federal Firearms Licensee (FFL) to transfer a long gun to a person less than 18 years of age or a handgun to a person less than 21 years of age. It is unlawful, with limited exceptions, for any person to transfer a handgun to a juvenile (under 18). (18 U.S.C. 922(b), (x)).

Brady interim system In 1993, the Brady Handgun Violence Prevention Act (Brady Act) amended the Gun Control Act to provide a method for blocking transfers to prohibited persons. From February 28, 1994, until November 30, 1998, the interim provisions of the Brady Act, 18 U.S.C. 922(s), required an FFL to request a background check on a prospective handgun purchaser by the Chief Law Enforcement Officer

(CLEO) of the jurisdiction where the licensee operated. A handgun could be transferred if a denial was not transmitted within five days by the CLEO. The interim provisions allowed States with prohibitory statutes comparable to Federal law to utilize handgun purchase permits and other alternative procedures.

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

The NICS allows a licensee to contact the system by telephone or other electronic means for information, to be supplied immediately, on whether receipt of a firearm by a transferee would violate Federal or State law. In addition to regulation of handgun sales, the permanent provisions mandate background checks on long gun purchasers and persons who redeem a pawned firearm. A licensee has the option of requesting a check on a person who attempts to pawn a firearm.

A NICS check by a dealer is not required if a transferee presents a State permit qualified by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) 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 five 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. As of June 30, 2004, 19 States authorized permits that exempted the holder from a NICS check (table 8).

Prior to initiating a NICS check, a licensee must receive a completed Firearm Transaction Record (ATF Form 4473) and verify the transferee's identity through a photo identification issued by a government agency. A transferee may also be required to complete a State disclosure form. Submitting false information in regard to a firearm transaction may subject a transferee to arrest and prosecution under Federal law and many State statutes.

A licensee initiates a NICS check by contacting either the FBI or a point of contact (POC) agency designated by State government. Most inquiries are conducted by telephone. The FBI provides Internet access to dealers through a program known as "e-check". Computerized access is also available through some POC agencies. All NICS checks by the FBI are without charge; POC fees are determined by State law or agency regulations (see table 6).

The FBI and the POC agencies always check three major Federal databases, the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Index. If the transferee is not a citizen of the United States, the NICS will query Bureau of Immigration and Customs Enforcement (ICE) records. A POC may check additional State records. A check may include contacting an agency that maintains a record that the FBI or POC cannot access directly.

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

A new NICS rule requires that POC agencies notify the FBI of all denied and open transactions, and any subsequent changes to the status of those transactions.

A person who is prohibited from purchasing a firearm may request the reason for denial from the FBI or POC, which has five 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 may be directed to the FBI, which will contact the denying agency or the source of the record. A person who is denied by a POC may also have appeal rights pursuant to State law.

NICS denial data is electronically transmitted by the FBI on a daily basis to ATF's Brady Office, which screens the data and refers potential violations to ATF field offices. ATF is also informed when the FBI discovers that a firearm was transferred to a prohibited person after a default proceed. An ATF investigation may result in retrieval of the firearm or a transfer back to the dealer.

In addition to background checks related to firearm transfers, the NICS Index may be accessed for information related to a permit or

license for explosives, or in response to ATF inquiries regarding enforcement of Federal firearms laws.

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

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

The only change in State NICS participation during the survey year was that the FBI assumed responsibility for Indiana handgun checks on October 1, 2003. As of June 30, 2004, handgun transfer checks are conducted by the FBI for 27 States and by POC agencies for 23 States; long gun transfer checks are conducted by the FBI for 36 States and by POC agencies for 14 States (table 8). 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 with statewide jurisdiction as their NICS point of contact. Some States have multiple points of contact, which are usually county sheriffs or municipal police departments. Local agencies access the NICS through a State interface.

In addition to transfer checks, POC agencies may also conduct NICS checks on persons who apply for a State permit required to receive a firearm. Agencies that issue ATF-qualified permits usually request a

check by sending information (such as fingerprints) to the FBI.

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

Most background checks required by State laws are conducted by agencies that also serve as NICS points of contact. However, purchasers in seven States are required to undergo two checks conducted by different agencies (table 5). If agencies that conduct checks under State law are unable to access the NICS, licensees in that State are required to contact the FBI for approval of transfers. Thus, prospective transferees in some States are required to undergo a permit or sale check by a State agency and a NICS check by the FBI.

Sources of additional information NICS regulations have been promulgated by the FBI (28 Code of Federal Regulations (CFR) 25) and ATF (27 CFR 478). Internet sites for State agencies that provide information about firearm laws are listed in the Appendix. Further information on Federal law and BJS-related publications is available from the following sites:

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

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

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

Firearm sales topics

Prohibited persons

The categories of prohibited persons in the Federal Gun Control Act (GCA) are the prevailing minimum nationwide. (See *Background*.) Firearm transfer to or possession by such persons is unlawful. State statutes may include additional or more restrictive prohibitions. These prohibitory laws are intended to prevent firearm possession or purchase by persons believed to be incapable of handling a weapon in a safe and legal manner. In some cases, Federal and State laws allow a prohibited person to regain firearm rights.

The most common categories of prohibited persons are described below. The number of States that have enacted each type of prohibition is listed in parentheses (also see table 2).

Felons (49 States) -- Generally, a felony is an offense that carries a penalty of incarceration for more than one year. The GCA prohibits a person who is under indictment for or has been convicted of a crime punishable by imprisonment for more than one year. A crime is not within this prohibition if it is an offense related to the regulation of business practices or a State offense classified as a misdemeanor and punishable by imprisonment of two years or less. A conviction is not prohibitory if it was expunged or set aside, or if the offender was pardoned or had civil rights restored. See 18 U.S.C. 921(a)(20).

Although statutory definitions vary widely, the laws of 49 States prohibit firearm purchase or possession by at least some categories of felons. Some statutes disqualify all convicted felons from firearm possession. Other statutes disqualify persons

who committed specific felonies, which may be enumerated in the statute or categorized by terms such as "crimes of violence," "serious offenses," or "firearm offenses." Many statutes extend purchase or possession restrictions to persons convicted of a felony or a similar offense in other jurisdictions. Only Vermont lacks a statute that bars firearm possession by a convicted felon.

Federal relief from firearm disabilities may be obtained through a presidential pardon or an ATF decision. Nearly all States allow firearm rights to be regained by a pardon or restoration of civil rights, or by expungement or set aside of a conviction. (See *Jurisdictional summaries*.) Restoration of State firearm rights may be obtained from the governor or through a court order, an 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, a person who obtained a pardon or has not committed a new offense for a specified number of years may be required to petition a court for an order that restores firearm rights. The method of restoration may depend on the type of offense that was committed. In some States, certain offenders can never regain the right to possess a firearm.

State relief from firearm disabilities does not automatically restore rights under Federal law or in another State. A State proceeding that does not fully restore the rights to possess or receive firearms is insufficient to remove a Federal disability (27 CFR 478.142).

In addition to restricting the rights of convicted felons, 12 States prohibit firearm purchase or possession by at least some persons who have been charged with a felony.

Colorado and Florida extend the prohibition to persons who have been arrested for certain disqualifying offenses. Firearm rights are restored in these States if an arrest or criminal charge does not result in a disqualifying guilty plea or conviction.

Misdemeanor offenders (23 States) -- Generally, a misdemeanor is a crime punishable by incarceration for less than one year. A few States have offenses defined as misdemeanors that are punishable by incarceration for more than one year. The types of misdemeanor-level offenses included in prohibitory statutes vary widely.

Federal law and a few State codes only prohibit a misdemeanor offender who has been convicted of an act of domestic violence (generally, an assault against a spouse, an intimate partner, or a child). Several other States deny a misdemeanor offender who has been convicted of any crime of violence or a firearm offense.

Requirements for misdemeanor offenders to regain firearm rights after a conviction are generally less stringent than those for felons. A few States disqualify persons who have been arrested for or charged with certain misdemeanors.

Fugitives (13 States) -- The GCA, at 18 U.S.C. 921 (a)(15), defines "fugitive 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. Most States apply a similar definition and some limit the prohibition to persons who are wanted for certain types of offenses.

Mentally ill (34 States) -- The GCA prohibits firearm possession by a person who has been adjudicated as a mental defective or committed to a mental institution. Only an ATF

ruling may grant relief from this prohibition.

The definition of "adjudicated as a mental defective" (27 CFR 478.11) includes a person who is found by a court or other authority to be a danger to himself or others, unable to manage his own affairs, insane in a criminal case, incompetent to stand trial, or not guilty by lack of mental responsibility. "Committed to a mental institution" includes an involuntary commitment by a court or other authority, but does not include a voluntary admission.

State definitions of disqualifying mental illness are generally similar to the Federal definition although a variety of terminology is used. Some States list specific court orders that will cause a mental illness prohibition. A person who is prohibited may be able to regain firearm rights if a certain number of years have elapsed after discharge from a mental institution, or if documentation from a mental health professional demonstrates that the person's condition has stabilized.

Subject to a restraining order (20 States) -- A person prohibited under this category is usually subject to a court order (entitled restraining order, protection order, injunction etc.) intended to prevent domestic violence. The applicable orders commonly restrain the subject from contacting or harming a spouse, former spouse, child, domestic partner, or other intimately related person. A prohibitory order may also restrain other types of unlawful conduct such as the intimidation of a witness in a criminal case.

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.

The prohibition will be in effect for the duration of the order, which may be temporary.

Drug or alcohol abusers and offenders (drug - 30 States; alcohol - 20 States) -- 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 offenses involving alcohol, 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 alcoholic." In several States, a firearm cannot be transferred to or possessed by a person who is intoxicated.

Minors (49 States) -- The firearm rights of minors are often restricted solely on the basis of age. State laws include prohibitions on purchase or possession of firearms by minors, and prohibitions on transfer of firearms to minors. Some of these laws predate the enactment of federal minimum ages for possession and purchase of firearms. Limitations based on age apply to handguns in 49 States and to long guns in 38 States.

The minimum age for unrestricted purchase and possession of a handgun by a minor is usually 18 (28 States) or 21 (17 States). The minimum age for unrestricted purchase and possession of a long gun by a minor is usually 18 (31 States), with other minimum ages ranging from 12 to 21. (See table 3.) In Rhode Island, a person under 18 years of age must have a permit to participate in legal firearm activities.

The laws provide for numerous exceptions to prohibitions based solely upon age. Generally, possession of a firearm is permissible when a minor is engaged in educational or recreational activities under the supervision of a parent, guardian, or certified firearms instructor.

Juvenile offenders (27 States) -- Statutes in this category prohibit persons who were adjudicated delinquent or committed an act as a juvenile that would have been a disqualifying offense if committed by an adult. A juvenile offender's access to all firearms is restricted in 23 States, and access to handguns is restricted in 4 additional States (table 3). The prohibitions usually continue into early adulthood or until the person regains firearm rights through a pardon, court order, or other process. In several States, persons who committed juvenile offenses must follow the same restoration of rights procedures available to adult offenders.

Aliens (14 States) -- The Gun Control Act prohibits transfer of a firearm to a person who has entered the United States illegally or has been admitted under a nonimmigrant visa. Pursuant to the Immigration and Nationality Act, a nonimmigrant visa may be issued to an alien who is allowed to reside or travel in the United States temporarily. See 8 U.S.C. 1101(a)(15), (26). Certain aliens admitted under a nonimmigrant visa are exempt from the firearm restrictions. 18 U.S.C. 922(y)(2).

Among the States, Massachusetts prohibits issuance of a license to carry or a firearm identification card to an alien; Hawaii (with exceptions) and Missouri require a purchase permit applicant to be a United States citizen. A person who is not a United States citizen or lawfully admitted for permanent residence cannot possess an assault firearm in Virginia. In 10 other States,

firearm purchase or possession by an illegal alien is prohibited. Hawaii, Massachusetts, and Washington allow certain aliens to apply for a permit to possess a firearm.

Other restrictions Additional categories of prohibited persons are defined in State statutes, including persons who have failed to complete a firearm safety course, or renounced their citizenship, or were dishonorably discharged from military service. In addition, several States penalize a “straw purchase,” an attempt to buy a firearm on behalf of a known prohibited person. (See *Jurisdictional summaries* for details.)

Between July 1, 2003 and June 30, 2004, eleven States expanded the categories of persons who are prohibited from purchasing or possessing firearms. Four of these States enacted amendments that expanded the scope of protective orders. Two States enacted new legislation regarding restoration of firearm rights. (See table 12.)

Prohibitory records

Record systems are necessary to identify persons who are ineligible to receive and possess a firearm. Prohibitory records are maintained by Federal, State, and local agencies, and may be computerized or on paper. These records may be in a database that is used for a variety of law enforcement purposes or in a specialized database that is used only for background checks on firearm purchase or permit applicants. The most common types of prohibitory records are summarized below.

Criminal history All States maintain a central repository with criminal history records that include, at a minimum, felony

arrests and dispositions. The first entry for a subject is normally an arrest record supported by fingerprints. Subsequent dispositions that may be recorded include dismissals of charges, guilty pleas, convictions, acquittals, admissions to and discharges from correctional facilities, and probation and parole events. Criminal history repositories also record modifications such as an expungement or a set aside of a conviction, a pardon, or a restoration of civil rights. Agencies that submit records to the repositories include police and sheriffs’ departments, courts, prosecutors, jails, and prisons.

State criminal record systems differ in regard to procedures, the extent of automation, and the completeness and accessibility of the data. Forty-nine States had automated at least some criminal history records by December 31, 2001. See *Survey of State Criminal History Information Systems, 2001*, August 2003, NCJ 200343.

Domestic violence

misdemeanors Forty-five States and the District of Columbia are able to distinguish between felony and misdemeanor records in the central repository (*Improving Criminal History Records for Background Checks*, May 2003, <www.ojp.usdoj.gov/bjs/abstract/ichrbc.htm>). Because Federal law prohibits a transfer of a firearm to a person who was convicted of a domestic violence misdemeanor, all States need to identify such convictions in their criminal records. However, a conviction that results from a domestic violence incident is only prohibitory if it falls within the specific definition found at 18 U.S.C. 921(a)(33). In addition, a State prohibition may be triggered by a domestic violence offense with a definition that differs from Federal law.

Domestic violence misdemeanor convictions may be identified from criminal history records in 44 States (table 10). These convictions must be distinguished in the records from misdemeanors that are not prohibitory. Most States identify prohibitory convictions by use of a “flag,” a record entry that denotes the offense as being the result of a domestic violence incident. A few States have criminal laws that apply only in domestic incidents, with convictions pursuant to these laws identified in the records by an offense code.

If a central repository record does not clearly indicate that a misdemeanor conviction resulted from domestic violence, a checking agency may obtain further information from the court that submitted the record. For example, court records may disclose the relationship of the victim and the perpetrator.

Restraining orders An order that restrains acts of domestic violence or other unlawful conduct is issued by a judge and usually entered by court or law enforcement personnel into a State system or NCIC or both. Forty-three States utilize a centralized court administrative file or a statewide law enforcement network to record orders. Maintenance of a registry includes procedures to remove orders that have expired.

Federal law requires each State to accord full faith and credit to a protection order issued by a court of another State if certain conditions are met.

The NCIC protection order file receives entries that meet Federal criteria from 45 States, including 6 States that do not have their own registry of orders. (See table 10.) Virginia and West Virginia began sending protection orders to NCIC in January 2004.

Mental illness Federal and State prohibitions encompass a variety of civil court orders, including a commitment to a mental hospital and a finding that a person is incompetent to manage his or her affairs. A prohibition may also be caused by a disposition in a criminal prosecution, such as a finding of incompetence to stand trial or a verdict of not guilty by reason of insanity.

A criminal case disposition is usually reported by the trial court to the State's central records repository. Civil commitment records are often protected from disclosure by privacy laws. However, some States have enacted laws (cited in appendix A) that allow such records to be used for determining whether an individual is eligible to purchase a firearm or receive a permit.

Twenty-two States have a database containing prohibitory mental illness records that are submitted by courts or treatment facilities. Two other States are developing a database. The records are maintained by a statewide checking agency or a mental health department. A variety of dispositions are recorded in these databases, with mental hospital commitments being the most common.

In addition, 23 States reported that prohibitory mental illness dispositions may be found within the central repository's criminal history records. Insanity and incompetent to stand trial findings are the most prevalent dispositions in State criminal records. In a few States, an agency conducting a background check may obtain data directly from a local court or mental health facility. (See table 11.)

Between July 1, 2003 and June 30, 2004, Alabama and Ohio enacted laws that require courts to transmit involuntary commitment records to a State agency for use in firearm

background checks (table 12). Virginia began sending mental health records to the NICS on a real-time basis in December 2003. Tennessee's checking agency began receiving court dispositions in June 2004.

Other State records Centralized data on fugitives from justice is maintained by 46 States and 21 States have records on juvenile offenders or persons who were adjudicated delinquent (table 11). Several States have specialized data, such as a file that is used to enforce a purchase limit of one handgun per month.

Federal databases The Federal system for background checks on firearm applicants primarily depends on three databases administered by the FBI: the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Index. Checking agencies normally access NCIC and III, and NICS point of contact agencies also access the NICS Index. If the transferee is not a citizen of the United States, the NICS will query records of the Bureau of Immigration and Customs Enforcement (ICE).

NCIC contains supervised release, federal prisoner, protection order, deported felon, wanted person, violent gang, terrorist, and sexual offender files. The III is a national system which points to States with a criminal history record on an individual. The NICS Index contains records of persons prohibited by Federal law from receiving a firearm and is divided into controlled substance, mental defective, illegal alien, dishonorable discharge, renunciation of citizenship, and denied person files. Alien registrations and admissions and other records are contained in several databases managed by ICE.

Federal, State, and local agencies supply information to NCIC and the

NICS Index pursuant to law or on a voluntary basis.

Impediments to record checks

The absence of flags, missing dispositions, insufficient details on relationships between victims and offenders, and other incomplete records issues are the most common impediments to identifying domestic violence misdemeanor convictions in State databases. Incomplete records are also the most common difficulty encountered by statewide restraining order repositories, mainly because of courts' inability to provide all necessary information to the repositories.

Checking agencies' ability to retrieve complete and accurate mental illness data is significantly affected by the absence of interfaces between mental health databases and criminal history repositories, the lack of biometric identifiers in the records, incomplete automation of record systems, and privacy laws.

Record improvements State repositories held over 64 million criminal history records at yearend 2001, and about 90% of the records were automated. About 75% of the automated records were accessible for firearm background checks. From 1995 to 2001, the number of criminal history records grew 29% nationwide, the number of automated records increased 35%, and the number of records available for sharing through III climbed 75%. During the same period, prohibitory records that do not involve felonies have become more widely accessible. (*Improving Criminal History Records for Background Checks*, May 2003, <www.ojp.usdoj.gov/bjs/abstract/ichrbc.htm>.)

Types of firearms

A typical definition of a firearm is "any weapon which will or is

designed to or may readily be converted to expel a projectile by the action of an explosive." 44 U.S.C. 921(a)(3). Firearms can generally be divided into two major categories, handguns and long guns. A handgun is a weapon that can be held or fired with one hand, such as a pistol or revolver. A long gun is a weapon that requires two hands to hold or fire, such as a rifle or shotgun. (Also see *Glossary of firearm terms* for definitions.) State codes sometimes divide firearms into categories based upon the length of the barrel.

The sale and possession of handguns is extensively regulated because a handgun can be easily concealed upon a person and is carried during the overwhelming majority of crimes committed while the offender is in possession of a firearm. A survey of inmates who carried a firearm while committing a crime found that 83% of State inmates and 87% of Federal inmates possessed a handgun during their offense (*Firearm Use by Offenders*, November 2001, NCJ 189369). Long guns are used much less frequently in crime and are subject to less extensive regulation than handguns.

Certain types of firearms are regulated because they are deemed by legislators to be inappropriate for self-defense or sporting purposes. The sale and possession of assault weapons, machine guns, short-barreled ("sawed-off") rifles and shotguns, and unsafe handguns is often prohibited or allowed only in limited circumstances. Federal law and the laws of 43 States prohibit, severely restrict, or require registration for at least one type of firearm. (See table 7.)

Exceptions to restrictions on certain types of weapons are often allowed for law enforcement officers and firearm collectors.

An assault weapon may be a handgun or long gun, but is distinguished by the presence of special features common to military weapons (see for example the definition given in 18 U.S.C. 921(a)(30)). The most common features of an assault weapon are a semiautomatic firing mechanism which allows a shot to be fired with each pull of the trigger without reloading, and a large-capacity magazine that holds numerous rounds of ammunition.

Federal law, at 18 U.S.C. 922(v), provides that it shall be unlawful for a person to transfer or possess a semiautomatic assault weapon, unless the firearm was lawfully possessed before September 13, 1994. In addition, nine States regulate assault weapons. Some jurisdictions publish a list of makes and models that are banned or restricted.

A machine gun (automatic firearm) will automatically fire more than one bullet, without manual reloading, by a single function of the trigger. Like assault weapons, machine guns are designed to rapidly fire a high volume of ammunition. Federal law, 18 U.S.C. 922(o), provides that it shall be unlawful for a person to transfer or possess a machine gun, unless it was lawfully possessed before May 19, 1986. In addition, thirty-nine States regulate machine guns.

A short-barreled rifle has one or more barrels less than 16 inches in length or has an overall length of less than 26 inches due to modification. A short-barreled shotgun has one or more barrels less than 18 inches in length or has an overall length of less than 26 inches due to modification. Short-barreled rifles and shotguns (and machine guns) must be registered pursuant to Federal law, 26 U.S.C. 5841. Thirty-three States regulate short-barreled rifles and 40 States regulate short-barreled shotguns.

An unsafe handgun ("Saturday night special" or "junk gun") has a barrel length under 4 inches, is easily concealable, and is not effective for sporting or self defense purposes due to its poor quality of construction, inaccuracy, and lack of essential safety features. Seven States forbid sales of handgun models that are determined to be unsafe. The quality of a handgun's construction is determined by its melting point or by technical standards found in State codes.

Other weapons that may be prohibited include zip guns and firearms that are made for silent discharge or that cannot be detected by airport security devices.

The primary focus of this report is upon regulation of transfers involving handguns, long guns, and assault weapons. Methods of regulating various types of firearms are described in *Regulated sales* and *Approval systems*. Types of firearms that are exempt from regulation in many jurisdictions are generally not discussed in this report. These types include antique, curio, and replica firearms, and weapons that have been rendered permanently inoperable.

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

Regulated sales

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

Statutes that require prospective purchasers to obtain a permit or undergo a background check usually allow exemptions for certain types of persons or transactions. Common exemptions are those for purchases by law enforcement officers, transfers of antique and replica firearms, and gifts or loans of firearms from parents or guardians to minor children.

Dealer transfers The Brady Act requires a Federal Firearms Licensee (FFL) to request a NICS check on all persons who purchase a firearm or redeem a pawned firearm (see *Background*).

In addition to the Federal system, 30 States require licensed dealers to request a background check or review a prospective buyer's permit (table 4). Of these States, 19 regulate dealer transfers of all types of firearms, 2 regulate dealer transfers of handguns and assault weapons, and 9 regulate only handgun transfers by dealers.

Several States regulate redemptions of pawned firearms in the same manner as sales — by licensing pawnbrokers and requiring background checks on redemptions. The pawning of any firearm is prohibited in New Jersey, while five other States ban the pawning of handguns (table 8).

Private sales The laws of 17 States regulate at least some private sales by requiring that purchasers obtain a permit or undergo a background check before receiving a firearm. Of these States, ten regulate private transfers of all types of firearms, one regulates private transfers of handguns and assault weapons, and six regulate only handgun transfers. (See table 4.)

Fifteen States regulate all private sales. Colorado and Oregon only regulate private sales that occur at gun shows. Delaware, Nevada, and Oregon allow unregulated private sellers the option of requesting a check on a purchaser.

Gun shows Seven States have statutes that specifically regulate gun shows. Most of these statutes define a gun show as an event where a certain number of firearms are exhibited for transfer (for example, 25 or more in Colorado and Oregon; 50 or more in Connecticut; 25 or more pistols or revolvers or 50 or more firearms, rifles, or shotguns in New York). Some laws also define a gun show according to the number of vendors who are exhibiting firearms for transfer.

Gun show regulations affect organizers, vendors, and purchasers. For example, California requires a show organizer to obtain a certificate of eligibility from the Department of Justice, provide local law enforcement with a list of the show's sellers, and exclude minors unless they are accompanied at all times by a parent or guardian. Colorado, Connecticut, New York, and Oregon require vendors to request an instant check on every unlicensed person who attempts to make a purchase. Colorado and New York require a show organizer to secure the presence of at least one licensed dealer to process the background checks. In Connecticut and Oregon, any seller can contact the State checking agency directly. Maryland requires that unlicensed

gun show sellers obtain a temporary transfer permit from the State, have a fixed display, and comply with all restrictions imposed upon dealer transfers. Virginia requires that any person who sells firearms at a gun show must submit to a background check and obtain a seller identification number from the State Police.

Residency rules The Gun Control Act generally prohibits interstate transfers of firearms between unlicensed persons (18 U.S.C. 922(a)(5)), a prohibition intended to channel interstate transfers through licensed dealers who are subject to scrutiny by ATF. A licensed dealer generally cannot transfer a firearm other than a rifle or shotgun to an unlicensed person who does not reside in the State where the licensee's place of business is located. A rifle or shotgun may be transferred in person by a dealer to a nonresident if the transfer complies with the laws of the State where the dealer's place of business is located and the State where the purchaser resides. (18 U.S.C. 922(b)(3).)

To ensure compliance with Federal law, many States have passed statutes that allow nonresidents to purchase long guns. Three States (Maryland, Missouri, and Virginia) require fixed periods of residency, ranging from 1 to 6 months, before a person can purchase certain firearms. Residency rules are intended to prevent nonresidents from purchasing and reselling firearms that they could not obtain in their home State.

A State POC may opt to receive notification from NICS when a resident of their State attempts to purchase a rifle or shotgun in another jurisdiction (known as "long gun notification.") The POC agency may have access to a record on the prospective purchaser that is not available to the checking agency in the other jurisdiction.

Handgun purchase limits There are no Federal restrictions on the frequency of firearm acquisition or on the quantity of firearms that can be acquired. However, a handgun purchase limit of one per month prevails in California, Maryland, and Virginia. (South Carolina repealed a similar law in 2004.) These limits are intended to deter persons who would purchase large quantities of handguns for resale to prohibited persons.

Approval systems

Over 3,000 State and local agencies are required by law to determine the eligibility of persons who apply to receive a firearm or a permit that can be used for a purchase. Systems for determining the legal eligibility of prospective purchasers may generally be classified as "instant approval," "purchase permit," "exempt carry permit," or "other approval" systems.

Of the 29 States that require a background check or a permit, 16 have instant approval, 12 utilize purchase permits, and 5 maintain other approval systems (table 5). Connecticut, Illinois, and New Jersey are each counted twice because these States operate permit and instant approval systems. Minnesota allows purchasers the options of obtaining a 1-year permit or undergoing a background check for a single purchase transaction (the "other approval" process).

Exempt carry permits, issued in 19 States (appendix B), are not required for purchase but may be used to exempt the holder from a background check at the point of sale.

Instant approval This type of system allows a licensed firearms dealer 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. Four instant approval systems, Colorado, Connecticut, Oregon, and Pennsylvania require at least some unlicensed sellers to request a check from a statewide agency. Unlicensed sellers either contact the checking agency directly or request a check through a licensed dealer or a police station.

All State instant approval systems function as NICS points of contact except for the Delaware system. (See *Background*.) These 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. (See *Waiting periods*.) Pursuant to the Brady Act or a State law, most instant approval systems allow three days for a checking agency to conduct a background investigation and reach a decision on an applicant's eligibility. A transfer is usually allowed to proceed if the seller has not received a response from the checking agency by the end of the applicable period.

Purchase permits These documents are issued by a government agency after a background check and must be presented to a seller in order to receive a firearm. (The required documents have a variety of titles, such as license or identification card, but all are referred to below as "permits.") The time period that a checking agency is allowed to investigate a permit applicant ranges from 2 days in Nebraska to 180 days in New York. Most purchase permit systems allow a checking agency 7 to 30 days to approve or deny an application. A few States mandate a waiting period after a permit application is filed and before the permit can be issued or a firearm can be acquired.

Federal law does not mandate a permit to purchase firearms. Twelve States administer purchase permit systems that regulate sales of handguns. Four of these States also require a permit to purchase a long gun. Minnesota's permit is required for purchase of a handgun or an assault weapon.

In addition to the handgun and long gun permits, New Jersey, North Carolina, Ohio, and South Carolina require special permits in order to purchase or possess certain types of firearms (such as machine guns) that are generally prohibited. (See *Jurisdictional summaries*.)

The handgun and long gun purchase permits vary according to the duration of a permit and the number of firearms that can be purchased at one time or during the tenure of a permit. Most handgun permits have a duration of between 10 days and 1 year, with a few remaining in effect for a longer duration. Long gun permits generally remain effective for a longer period than handgun permits. New Jersey's identification card for long guns remains in effect until revoked for a violation of law; among the other three States with long gun permits, the duration ranges from 1 to 5 years.

Generally, permits with a lengthy duration may be revoked by the issuing agency if the holder is convicted of a crime or otherwise becomes ineligible to possess a firearm.

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, while New York requires an amendment to the purchaser's handgun license. Five States allow unlimited handgun purchases during the effective period of a

permit. Unlimited purchases of rifles and shotguns are allowed in the four States that issue long gun permits.

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

Exempt carry permits These documents primarily allow holders to carry a concealed firearm, but also may be used as purchase permits. A carry permit is exempt pursuant to Federal law if ATF determines that the permit meets the requirements of the Brady Act. Some carry permits can be used to exempt the holder from a background check required by State law. In addition, a few States exempt certain permit holders from waiting period requirements.

Overall, 44 States require a concealed firearm permit, including three States that enacted new laws between July 1, 2003, and June 30, 2004. Four States generally prohibit carrying a concealed firearm. A firearm may be carried without a permit in Vermont and Alaska. (An Alaska concealed handgun permit may still be obtained in order to purchase firearms without a new background check or receive reciprocity from another State.)

Exempt carry permits are issued in 19 States. Some permits issued before November 30, 1998, were "grandfathered" in as exempt from the NICS point-of-sale check because they were qualified by ATF under the interim Brady law. All of

the grandfathered permits expired by November 30, 2003.

Agencies that issue exempt carry permits usually have between 30 and 120 days to approve or deny an application. States that authorize 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 the issuing officer to consider the applicant's history, character, and intended purpose for carrying a firearm.

Most exempt carry permits are valid for four or five years. Generally, a permit may be revoked by the issuing agency if the holder becomes ineligible to carry a concealed firearm.

Other approval systems These systems combine some of the characteristics found in instant check and permit systems. Generally sellers are required to convey purchaser information to a checking agency by mail, telephone, or other electronic means. Three of the five other approval systems require licensed dealers and private sellers to request background checks. The California and Maryland systems function as NICS points of contact.

In other approval systems, the checking agency is not required to respond immediately to the seller, but must respond within a waiting period or other statutory time limit. The applicable time periods for a response range from 7 to 10 days. These systems usually allow a transfer to proceed if the seller has not received a response from the checking agency by the end of the applicable period.

Checking delays Some approval systems allow an extension of the time available to complete a

background check if specific circumstances are present. For example, if an applicant's history includes a felony arrest without a recorded disposition, the checking agency may be granted additional time to contact the agency that originated the record and inquire about the outcome of charges against the applicant. (See *Checking process*.) In a few States, the checking agency is allowed more time to investigate an applicant who resides in another jurisdiction.

Waiting periods

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

Twelve States require waiting periods, which range in length from 1 to 14 days. Of these States, 11 require a waiting period for handgun permits or purchases, 2 include assault weapons, and 5 include long guns within their waiting period regulations (table 5).

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 Brady Act provides 3 days for a checking agency to respond to an inquiry from a licensed dealer, but does not mandate a waiting period for purchasers. (See *Background*.)

Checking process

Development of the NICS has increased the national uniformity of procedures used to approve or disapprove firearm transfers. However, approval systems established by State laws still employ a variety of procedures to determine the eligibility of prospective purchasers. The process for determining eligibility may be divided into three stages: application, background check, and post-denial.

Application Federal and State laws require prospective firearm purchasers to provide information that is needed to initiate a background check. In order to receive a firearm from a licensed dealer, federal law requires submission of a Firearm Transaction Record, ATF Form 4473. The form requires the buyer's full name, residence address, place of birth, height, weight, gender, date of birth, race, State of residence, country of citizenship, and alien or admission number. A Social Security Number is optional.

A few instant approval systems only require information from the ATF form, but most require the completion of an additional form as well. All purchase permit systems require specific information from applicants except in North Carolina,

where the county sheriff is allowed to determine what information is necessary. State laws vary widely in regard to the types of information required from applicants.

Depending on the type of approval system, checking agencies receive applicant information in person or by mail, telephone, or the Internet. Federal law, at 18 U.S.C. 922(a)(6), makes it unlawful to acquire or attempt to acquire a firearm by making a false statement or furnishing false identification to a licensee. Twenty-eight States have similar laws. (See appendix A.) Attempting to obtain a firearm or a permit under false pretenses may be grounds for denial of an application, or subject the applicant to a fine or incarceration.

The laws of 23 States allow a checking agency to charge a fee for processing a sale transaction or issuing a purchase permit. (See table 6.) Seven States do not charge a fee for a background check that is related to a sale transaction. Fees charged at the point of sale (usually collected by dealers and remitted to the State) range from \$2 in Illinois, Pennsylvania, and Virginia to \$25 in Nevada.

Checking agencies in Michigan and Minnesota do not charge for a purchase permit. Hawaiian checking agencies collect a fee from first-time applicants but do not charge for permit renewals. Fees charged for purchase permits range from \$5 in several States to \$100 for a firearm identification card or a license to carry in Massachusetts. Several States include a charge that covers fingerprint processing by the FBI. In some States, the checking agency can adjust the amount of the fee or is given discretion as to whether any fee will be charged.

Background check Many agencies that issue purchase or exempt carry permits initiate a check by sending an applicant's fingerprints to a State

unit or the FBI or both. The prints are compared against arrestee records already on file. Instant check systems compare the applicant's name and other identifying information against computerized prohibitory records. Generally, the automated agencies conduct a single background check that incorporates Federal and State requirements for each transaction.

A background check may also involve obtaining a record that is not available in a national or statewide electronic database. A sheriff's office or police department may search county court files or other local records. If an electronic record is not complete, the agency that created the original record may be contacted to find out if it has been updated.

The effectiveness of background checks is affected by the degree of automation involved, the types of prohibitory records available, and the extent to which the records are complete. The time an agency needs to obtain complete information may be lengthened if records on an applicant are maintained in another jurisdiction. A delay may also occur if research is needed to determine whether an entry on an applicant's record disqualifies the person from receiving a firearm.

The majority of background checks processed by State approval systems are initiated with information received by telephone or computer from a licensed dealer. State instant approval systems use a variety of terminology, but all generate an initial response to the dealer indicating that the transaction may proceed, may not proceed, or must be delayed pending further research on an applicant's records. If no record retrieval problems emerge, most State instant approval systems are able to process a check and provide a final response to a dealer in less than 5 minutes. Some

systems are able to complete the checking process in less than one minute. (See *Jurisdictional summaries.*)

If a transaction is allowed to proceed, the firearm dealer is given an approval number to record on the forms filed by the applicant. Federal and State procedures vary as to the period of time for which the approval remains valid (the period during which the applicant must complete a transaction by receiving a firearm from the seller). For example, an approval by the FBI is valid for 30 days; an approval of a private sale by the Oregon State Police is valid for 24 hours. A person who does not receive the firearm during the applicable period is required to undergo another background check.

State laws differ regarding the length of time that a transaction can be delayed and the circumstances that allow a delay. A checking agency's search for a missing arrest disposition is the most common reason for a delay. If a final disposition such as a conviction cannot be found, Federal or State law usually dictates the checking agency's response to the firearm dealer. Some States apply the Brady Act's rule that if a disqualifying conviction record is not found within 3 days, a transfer may proceed at the discretion of the dealer (termed a "default proceed" by the NICS). Other States have laws and regulations that allow their agencies to deny a transfer if an applicant was arrested for an offense that would be disqualifying upon conviction.

A checking agency may continue to research an incomplete record even after a default proceed has occurred. If a disqualifying record is found at a later date (termed a "delayed denial" by the NICS), the dealer may be contacted to determine if the applicant completed the transaction and received a firearm. If the transfer

has occurred, law enforcement officers may locate the purchaser and confiscate the firearm.

Post-denial Appeal procedures are available to applicants who have been denied a firearm because the checking agency cannot locate an exonerating record such as an acquittal or a dismissal of criminal charges. (See *Appeals of denials.*)

Another aspect of the checking process involves notifying law enforcement agencies of denied persons who are wanted in an outstanding warrant or who may have attempted to obtain a firearm in violation of Federal or State law. A denied person may have acted illegally by submitting false information or failing to disclose required information on an application, by attempting to make a purchase while subject to a prohibition, or by attempting to obtain a firearm on behalf of a prohibited person.

Numerous agencies receive notices of denied persons (see table 9), including special police units, ATF, and agencies with jurisdiction over the location of the transaction (usually a dealer's premises) or the applicant's residence. (For statistics on arrests of denied persons, see *Background Checks for Firearm Transfers, 2003*, September 2004, NCJ 204428.)

Transaction and registration records

Federal and State laws mandate the information that must be provided by prospective firearm purchasers, the types of information that must be retained or purged by checking agencies, and time periods for saving or destroying records.

Some checking agencies receive and retain paper records of permit or purchase applications. Nevertheless, most buyer

information is transmitted over the telephone or via computer by a licensed dealer and stored electronically by a checking agency.

Retention of information on allowed transactions is often limited by law because of concern for the privacy of lawful firearm owners. In contrast, retention of information on denied transactions is seldom limited, due to its usefulness for judicial and law enforcement purposes.

A new Federal law requires destruction of identifying data from allowed NICS transactions within 24 hours after the dealer is notified of the decision, except in States where a different retention period is mandated by law. The new law applies only to NICS sale transactions, not to alternative permit applications. Federal law does not require purging of data from denied transactions.

Thirty-two States retain records from sale transactions or purchase permit applications. Nearly all instant check agencies retain allowed transaction records for less than 60 days but retain denied transaction records for more than 90 days. (See table 6.)

In States where county sheriffs or municipal police departments issue permits or purchase approvals, the retention period for transaction records is usually at the discretion of the checking agency. Some State agencies are required to maintain copies of transaction records forwarded by local checking agencies.

Records of permit applications or sale transactions are retained by checking agencies in order to monitor agency performance or achieve a law enforcement objective. With computerized checking systems, the complete electronic record of a transaction is generally maintained for a short

period of time in order to facilitate audits of system performance or correction of errors. In some States, certain information such as a name, approval number, and date from an allowed transaction may be retained for auditing purposes for a longer period than other data about the applicant. Retention of all allowed transaction records is mandated in two States for certain types of firearms: handguns in California and regulated firearms (handguns and assault weapons) in Maryland.

Checking agency records may also be referenced in order to verify that licensed firearms dealers are maintaining records as required by law. In States that require a firearm owner to have a license or identification card, records of approved applications are retained in order for law enforcement officers to determine whether a particular person is legally in possession of a firearm. States that require a waiting period retain records of allowed transactions in order to verify that a seller waited the proper length of time before transferring a firearm to the buyer. Records of denied transactions are retained to facilitate appeals, arrests, and prosecutions, and to build databases on prohibited persons.

Registration records, which normally include information on a firearm and its owner, facilitate tracing of firearms that are resold illegally, used in a crime, or stolen. Federal law requires registration of a machine gun or a short-barrel rifle or shotgun. Twelve States register at least one type of firearm. The types of firearms most commonly registered by these States are machine guns, assault weapons, and handguns. A few States register short-barrel rifles or shotguns, or all rifles and shotguns. (Statutes requiring registration are listed in appendix A.) The laws of several States prohibit registration of firearms.

Appeals of denials

Specific procedures for appealing the denial of a firearm purchase or permit are codified in Federal law and in the laws of nearly all States that process background checks. Appeals often serve the practical purposes of resolving questions of identity and updating incomplete criminal history records.

Federal law provides the right to challenge a NICS denial by the FBI or a State point of contact (see *Background*). The most common State procedure provides an appeal to the checking agency for reconsideration of a denial, and a subsequent appeal to a court.

Eighteen States provide an appeal to the checking agency for a person who is denied a firearm purchase or permit. A different group of eighteen States provide an appeal to a court (table 6). Connecticut and Pennsylvania provide an appeal to an agency that is separate from the checking unit.

Most purchase permit statutes require the checking agency to inform an applicant in writing of the reason for a denial. With instant approval systems, an applicant usually is informed of a denial by the dealer who requested the background check. The applicant must then call or write the checking agency to learn the reason for the denial. Statewide checking agencies often have forms available for requesting reconsideration. Some States impose a deadline for filing the initial appeal.

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

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

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 be required by State law to issue a denial. The applicant can have the denial reversed by submitting court records to prove that the charge was subsequently dismissed. An appeal procedure may give the denied person the alternative of requesting that the appellate review agency contact the agency of record to inquire about a missing disposition.

An appeal may be filed when there is no entry in criminal history records for a proceeding that restored the applicant's firearm rights. An administrative agency or a court may also need to decide whether a pardon or an expungement of a conviction was sufficient to restore an applicant's firearm rights.

In addition to record challenge procedures, some States allow an appellant or the reviewing agency to request an administrative hearing. State laws vary widely in regard to deadlines for administrative decisions and subsequent appeals by a denied applicant.

The vast majority of disputed firearm denials are resolved at the administrative level and are based upon the accuracy of records instead of an interpretation of the law.

Rejection rates

State and local checking agencies received an estimated 3.4 million firearm transfer applications during 2003; an estimated 65,000 applications were rejected, a rejection rate of 1.9% (FBI checks are not included in these figures). The most common reason for rejection of an application by a State or local checking agency was the applicant's indictment or conviction for a felony offense (45%), followed by a conviction for a domestic violence misdemeanor (12%). (See *Background Checks for Firearm Transfers, 2003*, September 2004, NCJ 204428.)

The 2003 background check statistics included applications for transfers, permits required for transfers, and carry permits that could be used to exempt the holder from a check at the point of transfer. This national estimate combined actual counts from statewide reporting agencies with an estimate for aggregated local agencies.

The rejection rates among State and local agencies in 2003 for the various types of firearm approval systems were estimated to be 2.1% for instant approvals, 2% for purchase permits, 1.5% for exempt carry permits, and 1% for other approval systems.

Statewide rates The number of applications received and rejected, and rejection rates for statewide agencies during 2003 are reproduced in table 1.

Fourteen instant approval systems exhibited the widest variation in rejection rates, ranging from 0.3% in Connecticut to nearly 4% in Tennessee. Statewide rejection rates for purchase permit applications ranged from 1.7% in Hawaii to 2.9% in Illinois. Rejection rates for nine States that reported exempt carry permit counts ranged between 0.2% in North Dakota and Arizona to 3.6% in South Carolina. Rejection rates were also available for the "other approval" systems in Maryland (1.9%) and California (1.0%).

Variations in rejection rates among States may be influenced by many interrelated factors, including the type of approval system, the number of years the system has operated, the extent of State firearm regulation, the length of time allowed for an agency to complete a check, the decision process for records with missing dispositions, and the extent of automation of criminal histories and other records. Although the full impact of these factors has not been quantified, a few observations are possible from the limited information available.

Among the lowest rates were those of New Jersey (0.4%) and Illinois (0.7%), where an instant check at the point of transfer is the second step required for approval of prospective firearm owners. Before an instant sale check can be conducted, both States require a prospective owner to obtain some type of purchase permit such as an identification card or a handgun permit. During the first step of the process, the rejection rates are considerably higher in New Jersey (2.0%) and Illinois (2.9%).

Generally, higher rejection rates occur in States that implemented an instant approval system on or after February 28, 1994, the effective date of the Brady Act. These States include Tennessee (3.9%) and Colorado (3.4%).

In contrast, approval systems established before passage of the Brady Act tend to have lower rejection rates. In addition to California, Connecticut, Illinois, and New Jersey, these systems include Virginia (1.1%) and Wisconsin (1.6%). Extensive regulation of firearm sales by States with older approval systems may influence rejection rates. As prospective firearm owners become more knowledgeable about laws and procedures in the States with well-established systems, some persons with potentially disqualifying records may be discouraged from applying for a purchase or permit in those States.

Rejection rates may be influenced by a State's policy toward applicants who have incomplete records for criminal history and other disqualifying factors. Checking agencies most frequently encounter delays while attempting to determine the final disposition of a criminal charge that is indicated by an arrest, information, or indictment record. If the final disposition cannot be found during the time allowed for a background check, the agency must decide, based on Federal or State law, whether the application will be approved, denied, or delayed pending further research. A State's rejection rate may tend to be low if an approval is mandated and high if a denial is mandated.

Some States apply the Brady Act's rule that if a disqualifying record is not found within 3 days, a transfer may proceed. Other States have laws and regulations that allow their agencies to deny or delay a transfer if an incomplete record is being researched when the time limit for a response expires. These types of rules may partially account for the comparatively high rejection rates in States such as Colorado and Tennessee.

Local agency rates Rejection rates among local agencies may be influenced by many of the same factors that influence the rates of agencies with statewide jurisdiction.

Local agencies that provided data for the FIST project were grouped according to the size of the community they served: small (under 10,000 people), medium (10,000 to 100,000), or large (over 100,000).

In 2003, rates varied among local agencies by size of the population served and type of permit. The rejection rate for purchase permits was highest in large communities (2.9%) and lowest in small communities (0.9%). Exempt carry permits exhibited a similar pattern, with the highest rate occurring in large communities (1.7%) and the lowest rate occurring in small communities (0.6%). (See table 1a.)

Jurisdictional summaries

Information included in the Federal and State summaries

References on this page to "State" generally include all jurisdictions summarized (the United States and each State, Territory, Commonwealth, and District). Topics listed are not alphabetized; they follow the order of presentation used in the summaries. Laws that apply nationwide are included in the Federal summary and are 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, possessing, or transferring firearms.

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

Prohibited firearms. Types of firearms that cannot be purchased or possessed by any person or that may only be purchased or possessed pursuant to a limited exception.

Regulated sales. The scope of firearm transfer restrictions such as background checks, permit and license requirements, residency rules, and handgun purchase limits. Includes types of transferors (licensed or unlicensed), firearms (such as handguns or long guns), and transactions (such as sales or redemptions) that are regulated.

Permits. Documents (such as a permit, license, or identification card) issued by law enforcement agencies, 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.

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

State data. Automated and manual prohibited person data that are maintained by State agencies. The data is available to agencies within the State for background checks on firearm buyers or permit applicants, and may also be available to agencies outside the State. Local record sources may also be described.

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

Retention of records. Time limits on retention of data from allowed 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 that can be used for a 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.

2003/2004 legislation. Significant changes in laws related to firearm sales that became effective between July 1, 2003, and June 30, 2004.

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

Source of information. Agencies that contributed to the survey.

Federal system

Prohibited persons. Federal law prohibits firearm possession by or transfer to a person who is: under indictment for or convicted of a crime punishable by imprisonment for more than 1 year; a fugitive from justice; an unlawful user of or addicted to any controlled substance; adjudicated as a mental defective or committed to a mental institution; an illegal alien or an alien admitted under a nonimmigrant visa; dishonorably discharged from the armed forces; a renounced U.S. citizen; restrained by court order from harassing, stalking, or threatening an intimate partner or child; or convicted in any court of a misdemeanor crime of domestic violence. It is unlawful for a federally-licensed dealer to transfer a long gun to a person under 18 years of age or a handgun to a person under 21 years of age. Further, it is unlawful for any person to transfer a handgun to a juvenile (under 18) or for a juvenile to possess a handgun, except in limited circumstances.

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

Prohibited firearms. It is unlawful, with limited exceptions, to possess or transfer a machine gun, a firearm not detectable by airport security devices, or a semiautomatic assault weapon.

Regulated sales. Record checks through the National Instant Criminal Background Check System (NICS) are required on persons who purchase firearms or redeem pawned firearms from federally-licensed dealers. A licensee has the option of requesting a check when a firearm is pawned. A handgun cannot be transferred by a licensee to a person who does not reside in the State where the licensee's business is located. A long gun may be transferred in person by a dealer to a nonresident if the transfer complies with the laws of the State where the dealer's place of business is located and the State where the buyer resides. An interstate transfer of a handgun or long gun between unlicensed persons is prohibited.

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. The FBI checks handgun and long gun buyers in 26 States and only long gun buyers in 10 additional States. 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 (known as a "default proceed").

Waiting period. No Federal requirements.

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

Federal data. The three major Federal databases are the Interstate Identification Index (III), containing pointers to State criminal histories; the National Crime Information Center (NCIC), which includes protection order, fugitive, and other data; and the NICS Index, which includes mental defective, illegal alien, denied person, and other data. Immigration and Customs Enforcement (ICE) data is queried for non-citizen buyers.

Check processing time. About 90% of the inquiries conducted by the FBI in 2003 resulted in an immediate "proceed" response.

Retention of records. Identifying information on transactions allowed by the FBI is purged within 24 hours. Open transaction information is purged within 90 days. Information on applicants denied by the FBI is retained indefinitely.

Registration. A short-barrel shotgun or rifle or a machine gun must be registered.

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

Arrests of denied persons. The FBI notifies ATF of NICS denials and persons who obtain a firearm by default proceed but are subsequently determined to be prohibited.

2003/2004 legislation. The ban on undetectable firearms was renewed and the retention period for identifying information from approved NICS transactions was reduced to 24 hours.

Relevant laws. United States Code 18-922 et seq; 26-5801 et seq.

Source of information. Federal Bureau of Investigation, NICS Program Office; Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Alabama

FBI conducts NICS checks

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

Restoration of rights. A person who has been convicted of a crime may regain the right to possess a handgun through a pardon.

Prohibited firearms. It is illegal for a person to possess, obtain, receive, sell, or use a short-barreled rifle or shotgun, except for a peace officer engaged in official duties.

Regulated sales. All transfers of firearms conducted by a licensed importer, manufacturer, or dealer shall be subject to a NICS check. Residents of adjoining States may purchase long guns in Alabama unless otherwise prohibited. No person shall make any loan secured by a mortgage, deposit, or pledge of a handgun, nor lend, give, or otherwise deliver a handgun contrary to the provisions of the law. A State license is required for retail dealers of handguns.

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 firearms dealers in Alabama contact the FBI for all checks required by the Brady Act.

Waiting period. No State requirement.

Purchaser fees. None.

State data. Alabama makes fugitive, criminal history, probation/parole, and domestic violence restraining order data available on the statewide computer network. Criminal histories may contain domestic violence misdemeanor convictions (flagged records) and insanity, incompetent to stand trial and involuntary commitment dispositions. A statewide database of probate court mental health records is being developed.

Check processing time. Not applicable.

Retention of records. A form in triplicate is made for every pistol sold by a licensed dealer. One copy of the form shall be sent within 6 hours by registered or certified mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the dealer shall within seven days send the duplicate to the Secretary of State; and the dealer shall retain the triplicate for 6 years.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. A new law requires that all transfers of firearms conducted by a licensed importer, manufacturer, or dealer shall be subject to a NICS check. Data needed for a NICS check shall be provided to the Criminal Justice Information Center by State and local agencies. A court that orders an involuntary commitment of a person who has shown a history of inappropriate use of firearms or poses a threat to do so shall forward a copy of the order to CJIC. The order shall then be entered into the State system and the NICS.

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

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

Contact. Mark Hartley, Criminal Justice Information Center, 770 Washington Avenue, Room 350, Montgomery, AL 36130, (334) 242-4900.

Alaska

FBI conducts NICS checks

Prohibited persons. Alaska law makes it a crime for a person to: knowingly possess a handgun after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this State, a court of the United States, or a court of another State or territory; knowingly sell or transfer a handgun to a person who has been convicted of a felony by a court of this State, a court of the United States, or a court of another State or Territory; knowingly sell or transfer a firearm to a person whose physical or mental condition is substantially impaired by intoxicating liquor or controlled substances; knowingly sell a firearm to a person under 18 years of age; or possess a firearm as an unemancipated minor under 16 years of age 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."

Prohibited firearms. It is illegal to manufacture, possess, transport, sell, or transfer a prohibited weapon (which includes a machine gun, short-barrel rifle, or short-barrel shotgun), unless it is registered under the National Firearms Act.

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

Permits. Alaska does not require a permit to purchase firearms. A person who may legally carry a firearm is not required to obtain a permit to carry a concealed handgun. However, a person may obtain a concealed handgun permit in order to purchase firearms without a new background check or receive reciprocity from other States.

Background checks. The State is not a point of contact for the NICS. Licensed dealers in Alaska contact the FBI for all checks required by the Brady Act. The Alaska Department of Public Safety conducts background checks on applicants for concealed handgun permits. ATF allows a holder of a valid concealed handgun permit to purchase a firearm without a new NICS check.

Waiting period. No State requirements.

Purchaser fees. None.

State data. Alaska maintains fully automated fugitive, criminal history, and domestic violence protective order data on a statewide network. Domestic violence misdemeanor convictions may be identified from flagged criminal history records created after January 15, 1998. Insanity and incompetent to stand trial dispositions may be found within criminal histories.

Check processing time. Not applicable.

Retention of records. Information on persons who are denied a concealed handgun permit is retained for a minimum of 5 years.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm by the FBI may appeal under Federal law. A denial of a concealed handgun permit application may be appealed to the commissioner of public safety.

Arrests of denied persons. No information is available.

2003/2004 legislation. The statute that required a person to possess a permit while carrying a concealed handgun was repealed. A person who may legally carry a firearm may now carry it concealed without a permit.

Relevant laws. Alaska Statutes 11.61.200; 11.61.210; 11.61.220; 18.65.700.

Source of information. Alaska Department of Public Safety.

Contact. David Schade, Department of Public Safety, 5700 East Tudor Road, Anchorage, AK 99507, (907) 269-5708.

Arizona

FBI conducts NICS checks

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

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

Prohibited firearms. It is illegal to manufacture, possess, transport, sell, or transfer a prohibited weapon, which includes a machine gun or a short-barreled rifle or shotgun (unless it is registered in accord with federal law).

Regulated sales. Arizona does not require background checks on private person to person transfers of firearms.

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

Background checks. The State is not a point of contact for the NICS. Licensed firearms dealers in Arizona contact the FBI for all checks required by the Brady Act. The Department of Public Safety (DPS) Concealed Weapons Unit conducts background checks on applicants for concealed carry permits. ATF allows a holder of a valid Arizona permit to purchase a firearm in the State without a new NICS check.

Waiting period. No State requirements.

Purchaser fees. There is no fee for a purchase. The concealed weapon permit fee is \$65.

State data. Arizona maintains fully automated fugitive and criminal history data on a statewide network. Probation, parole, and flagged domestic violence misdemeanor data are found within criminal history records. Sex offender registration and corrections data are also available. The courts report limited data on involuntary commitments to DPS. Domestic violence protective orders are entered into a court repository which is being expanded to include all State courts.

Check processing time. Not applicable.

Retention of records. Data on persons who are denied a concealed weapon permit are kept on paper for 5 years.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm by the FBI may appeal pursuant to Federal law. A person who is denied a concealed weapon permit may request reconsideration by submitting additional data to DPS. An administrative hearing may be held. A further appeal may be filed in superior court.

Arrests of denied persons. No information is available.

2003/2004 legislation. No significant changes.

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

Source of information. Arizona Department of Public Safety.

Contact. Willard Whalen, Department of Public Safety, Concealed Weapon Permit Unit, P.O. Box 6638, Phoenix, AZ 85005, (602) 223-2704 (telephone), (602) 223-2829 (fax).

Arkansas

FBI conducts NICS checks

Prohibited persons. Arkansas law provides that no person shall possess or own any firearm who has been convicted of a felony, adjudicated mentally ill, or committed involuntarily to any mental institution. No person under the age of 18 shall possess a handgun except in limited circumstances. It is illegal to furnish a firearm or other deadly weapon to a minor (under 18) without the consent of a parent or guardian, or to furnish a handgun or prohibited weapon to a felon, or to knowingly sell, rent, or transfer a firearm to a person prohibited by State or Federal law.

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 may also occur with a pardon.

Prohibited firearms. It is illegal, with limited exceptions, to use, possess, make, repair, sell, or otherwise deal in a machine gun or sawed-off shotgun or rifle, or a firearm specially made or specially adapted for silent discharge.

Regulated sales. State law does not require background checks on firearms purchasers. Residents of adjacent States may purchase long guns in Arkansas unless otherwise prohibited.

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 firearms dealers in Arkansas contact the FBI for all checks required by the Brady Act. The Arkansas State Police conducts background checks on applicants for concealed handgun permits. ATF allows a holder of a valid concealed handgun permit to purchase a firearm without a new NICS check, if the permit was issued on or after April 1, 1999.

Waiting period. No State requirements.

Purchaser fees. None.

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

Check processing time. Not applicable.

Retention of records. Information on persons who are denied a concealed handgun permit is retained indefinitely.

Registration. No State requirements.

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

Arrests of denied persons. No information is available.

2003/2004 legislation. No significant changes.

Relevant laws. Arkansas Code 5-73-101 et seq; 5-73-201 et seq.

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

Contact. Cora Gentry, State Police AFIS/ID Bureau, One State Police Plaza Drive, Little Rock, AR 72209, (501) 618-8516.

California

State requests NICS checks

Prohibited persons. State law prohibits possession of a firearm by a person who has been convicted of a felony in California or another jurisdiction or a misdemeanor specified in State law; is addicted to any narcotic drug; is prohibited as a condition of probation; is subject to a protective order; was adjudged a ward of the juvenile court; or is mentally ill or disabled as defined in State law. A firearm cannot be transferred to a minor (under 21 for handguns; under 18 for long guns) except in limited circumstances. Handgun owners must pass a safety course or show proof of exemption.

Restoration of rights. Firearm rights can be restored by a governor's pardon if the conviction did not involve use of a deadly weapon or if an underlying conviction is reopened and the subject pleads to a lesser charge. Persons convicted of specified misdemeanors or committed to a mental institution 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.

Prohibited firearms. Short-barreled rifles and shotguns, unsafe handguns, machine guns, assault weapons, and several other types of firearms are prohibited, with limited exceptions.

Regulated sales. Background checks are required for firearm sales by State-licensed dealers and unlicensed persons, and for pawn redemptions processed through dealers. Additional regulations apply to gun shows. Handgun purchases are limited to 1 in a 30-day period.

Permits. A permit is required to possess a machine gun or an assault weapon. Carrying a concealed firearm requires a license.

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

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

Purchaser fees. DOJ charges \$20 for a check on a single handgun or an unlimited number of long guns, and \$16 for additional handguns purchased at the same time (by those who are exempt from the one per 30-day rule). A dealer may charge an additional \$10 fee per firearm to process a private transfer.

State data. California maintains fully automated fugitive, criminal history, restraining order, domestic abuse conviction (flagged records), probation/parole, juvenile, and prohibited armed persons data. DOJ maintains a database of mental health dispositions and some may also be included in criminal histories.

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

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

Registration. Handguns are not registered, but the automated files maintain a record of handgun transfers. New residents must report handgun ownership within 60 days of moving to California. Assault weapons are registered.

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

Arrests of denied persons. In cases involving falsified applications or outstanding warrants, DOJ informs the agency with jurisdiction over the individual. Persons with warrants cannot receive a firearm if a conviction would disqualify them. DOJ enforcement and local law enforcement serve search warrants and arrest and prosecute armed prohibited persons who are found to be in possession of firearms.

2003/2004 legislation. Amendments included changes to laws regarding misdemeanor convictions, juvenile offenses, protective orders, background checks, and transaction fees.

Relevant laws. California Penal Code 12000 et seq; Welfare and Institutions Code 8100 et seq.

Source of information. CA. Department of Justice.

Contact. Steve Buford, Department of Justice Firearms Division, P.O. Box 820200, Sacramento, CA 94203, (916) 227-4340.

Colorado

State requests NICS checks

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

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

Prohibited firearms. It is illegal, with limited exceptions, to knowingly possess a dangerous weapon, which includes a machine gun, short shotgun, or short rifle.

Regulated sales. State law requires background checks on persons who purchase firearms from licensed dealers or at a gun show. Residents of any State may purchase long guns in Colorado unless otherwise prohibited.

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

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

Waiting period. No State requirements.

Purchaser fees. CBI does not charge a fee for an instant check. A licensed dealer may charge a fee not to exceed \$10 for processing a gun show transaction.

State data. Colorado maintains fully automated fugitive, criminal history, probation, parole, restraining

order, and flagged domestic abuse misdemeanor data on a statewide network. CBI receives court records of persons who have been adjudicated as a juvenile delinquent. Criminal histories may contain insanity and incompetent to stand trial dispositions. Data on persons who are incapacitated or committed for drug, alcohol or mental health treatment are reported by State courts to the NICS. The State is pursuing technical and administrative improvements to record systems for domestic violence misdemeanor convictions and restraining orders.

Check processing time. Routine transactions are processed within 1 hour; transactions requiring additional research are processed within 3 days.

Retention of records. CBI purges data from allowed NICS transactions within 24 hours. Data from denied transactions can be retained indefinitely.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm may request reconsideration by submitting additional information to CBI.

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

2003/2004 legislation. No significant changes.

Relevant laws. Colorado Revised Statutes 12-26.1-101; 18-12-101 et seq; 24-33.5-424.

Source of information. Colorado Bureau of Investigation.

Contact. Susan Kitchen, CBI InstaCheck Unit, 690 Kipling Street, Room 3000, Denver, CO 80215, (303) 239-4235.

Connecticut

State requests NICS checks

Prohibited persons. A pistol permit or an eligibility certificate shall not be issued to a person who failed to complete a firearm safety course. A person may not obtain a pistol permit or an eligibility certificate or possess a handgun if the person is convicted of a felony, any of 11 specified misdemeanors, or a serious juvenile offense; discharged from custody within the preceding 20 years after being found not guilty of a crime by reason of mental disease; confined to a hospital for psychiatric disabilities within the preceding 12 months by court order; subject to a restraining, protective, or firearm seizure order; an illegal alien; or under age 21. A firearm may not be possessed by a person who has been convicted of a felony, a serious juvenile offense, or a domestic violence misdemeanor, or is subject to a restraining, protective, or firearm seizure order.

Restoration of rights. The Board of Pardons may restore the right to possess a firearm or override a conviction.

Prohibited firearms. Assault weapons and sawed-off shotguns are prohibited, with few exceptions.

Regulated sales. State law requires background checks on persons who apply for a permit or receive a firearm, except for a long gun transfer between unlicensed persons who are not at a gun show. A person who becomes ineligible to possess a firearm must transfer all firearms owned within 2 business days and notify the Department of Public Safety of the transfer. Firearms dealers must have a State permit.

Permits. An eligibility certificate or pistol permit is required to purchase a handgun. Both documents are valid for 5 years, allow unlimited purchases, and will waive the long gun waiting period. Carrying a handgun also requires a pistol permit, with a 60-day permit issued by a local official required as a prerequisite to receiving the 5-year permit issued by the Connecticut State Police (CSP).

Background checks. CSP is a NICS point of contact and conducts checks on applicants for pistol permits, eligibility certificates, and firearm purchases. Applications are approved or denied within 8 weeks for a pistol permit or 90 days for an eligibility certificate. Instant checks on buyers are conducted by telephone (1-888-335-8438 in the State).

Waiting period. A 14-day waiting period, which begins when an application is filed, is required for a long gun

transfer, unless the buyer has a valid permit or qualifies for an exemption.

Purchaser fees. A fee of \$70 is charged to receive a 60-day and a 5-year pistol permit. Eligibility certificates cost \$35. An additional \$24 is charged to cover the FBI fingerprinting fee for criminal history.

State data. Connecticut maintains fugitive, criminal history, probation, parole, protective order, flagged domestic abuse misdemeanor, involuntary commitment, and juvenile data. Criminal histories may contain insanity dispositions or commitments to a mental institution. The State is pursuing technical improvements to mental health and restraining order record systems.

Check processing time. Sale checks are normally processed in less than 30 seconds if no eligibility questions arise, within 1 minute if there is an eligibility question, or within 3 days if further research is needed.

Retention of records. CSP maintains a database of valid permits and keeps denied purchase applications for 5 years. Data from approved NICS transactions are not retained.

Registration. Data on the sale, weapon, buyer, and seller are recorded on a registration form for a handgun or long gun. Machine guns are registered. A certificate of possession is required for an assault weapon legally owned prior to 10/1/93.

Appeals of denials. A person who is denied a firearm purchase may appeal to CSP. A denial or revocation of a pistol permit or eligibility certificate may be appealed to the Board of Firearm Permit Examiners.

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

2003/2004 legislation. Amendments made it a crime to possess a firearm while subject to a foreign order of protection and provided that the registry of protective orders shall contain foreign orders.

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

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

Contact. Lt. Robert A. Corona, Commanding Officer, State Police Special Licensing and Firearms Unit, 1111 Country Club Road, Middletown, CT 06457, (860) 685-8290.

Delaware

FBI conducts NICS checks State conducts separate checks

Prohibited persons. Delaware law prohibits purchase or possession of a firearm by any person who is convicted of a felony or crime of violence involving physical injury to another; committed for a mental disorder to any hospital, mental institution, or sanitarium; convicted for unlawful use, possession, or sale of a narcotic, dangerous drug, central nervous system depressant or stimulant, or controlled substance; adjudicated delinquent for conduct which if committed by an adult would constitute a felony; subject to a protection from abuse order; or convicted of any misdemeanor crime of domestic violence as defined by statute. It is unlawful to transfer a firearm to a child under 18 years of age without parental consent or to a person who intends to commit certain crimes. It is unlawful to transfer a firearm to or obtain a firearm on behalf of a prohibited person. A handgun cannot be sold to a person under the age of 21 or to an intoxicated person. A juvenile cannot possess a handgun unless engaged in lawful activity under adult supervision.

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

Prohibited firearms. It is illegal, with limited exceptions, to sell, transfer, buy, receive, or possess a sawed-off shotgun or machine gun or any other firearm adaptable for use as a machine gun.

Regulated sales. Delaware law requires background checks on persons who purchase a handgun or rifle from a licensed dealer, but a shotgun purchase is exempt. Checks are optional for private sales. A handgun dealer is required to have a State license.

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

Background checks. State law requires that licensed dealers call the Delaware State Police (DSP) for instant sales checks, by using a 1-800 number. DSP has a maximum of 3 days to complete a check. A holder of a concealed handgun permit issued by a county superior court is exempt from the check required by State law. Delaware is not a point of contact for the NICS; dealers must contact the FBI for checks required by the Brady Act on handgun, rifle, and shotgun buyers.

Waiting period. No State requirements.

Purchaser fees. DSP does not charge a fee for an instant check. A dealer may charge a fee not to exceed \$20 per criminal history check to process a private sale.

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

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. A person who is denied a firearm by DSP may petition for amendment of errors in the record. A further appeal may be filed in superior court. The superior court's refusal to issue a concealed handgun permit may be appealed to the State supreme court.

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

2003/2004 legislation. No significant changes.

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

Source of information. Delaware State Police.

Contact. Elizabeth Shamany, State Police Bureau of Identification, P.O. Box 430, Dover, DE 19903, (302) 739-5872.

Florida

State requests NICS checks

Prohibited persons. Florida law prohibits a transfer of a firearm to a person who has been convicted of a felony, a delinquent act that would be a felony if committed by an adult and the offender is under 24 years of age, or a misdemeanor crime of domestic violence; had adjudication of guilt withheld or imposition of sentence suspended on a felony charge and 3 years have not elapsed since the completion date of any court provisions; has been indicted for a felony; is subject to a protective order; has been arrested for a "dangerous crime," or other enumerated offenses; or is a minor under the age of 18 and lacks permission of a parent or guardian. It is illegal to acquire a firearm for the use of a prohibited person. A firearm cannot be possessed by a person who is a minor, a felon, a delinquent, restrained by a domestic violence injunction, a violent career criminal, mentally incompetent, a drug addict, or a chronic alcoholic.

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

Prohibited firearms. It is unlawful, with limited exceptions, for any person to own or have care, custody, possession, or control of a short-barreled rifle or shotgun or a machine gun which is or may readily be made operable.

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

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

Background checks. The Florida Department of Law Enforcement (FDLE) is a point of contact for the NICS and conducts instant checks required by Federal and State law. Checks on firearms redeemed within 90 days of being pawned may be conducted by the FBI; if a weapon is redeemed after 90 days, the check is conducted by FDLE. If a purchaser is not disapproved within 3 business days, the dealer must contact FDLE before releasing the firearm.

Waiting period. Handgun purchases require a waiting period of 3 business days, beginning with the transfer of money or other valuable consideration to the dealer,

regardless of when a background check is completed. Some counties extend the waiting period by ordinance.

Purchaser fees. FDLE currently charges \$5 for a check. The maximum fee allowed by statute is \$8.

State data. Florida maintains fugitive, criminal history, restraining order, juvenile, probation, and parole data. Criminal histories may contain domestic violence misdemeanor convictions and findings of insanity or incompetent to stand trial.

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

Retention of records. Information on an approved transaction is destroyed by FDLE within 2 days after the response to a licensee's request for a check. Information on denied transactions is retained for 1 year on paper and 2 years in electronic format.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm may appeal through the FDLE within 21 days of the non-approval issuance. In order for FDLE to process the appeal after 21 days, a licensed firearm dealer must conduct another background check. Alternatively, a denied person may request the NICS to process an appeal after the 21 day period has expired.

Arrests of denied persons. A person with an outstanding warrant is reported to agencies with jurisdiction over the fugitive and the location of the dealer. All denied persons are reported monthly to ATF, special agency personnel, and local law enforcement by the Firearm Purchase Program.

2003/2004 legislation. Cyberstalking was added to the enumerated offenses that will cause nonapproval of a firearm transaction. The sunset date for the State's instant check law was extended to October 1, 2009. A new statute prohibits registration of firearms or owners.

Relevant laws. Florida Statutes 790.001 et seq.

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

Contact. Martha Wright, Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, (850) 488-4931.

Georgia

State requests NICS checks

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

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

Prohibited firearms. It is illegal, with limited exceptions, to possess a sawed-off shotgun, sawed-off rifle, or machine gun.

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. A resident of any State may purchase rifles and shotguns in Georgia unless otherwise prohibited. A State license is required for a dealer of handguns or short-barreled firearms.

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

Background checks. The Georgia Bureau of Investigation (GBI) is a point of contact for the NICS and conducts checks required by Federal and State law. Holders of concealed handgun permits issued by county probate courts are exempt from sale checks under ATF and State rules. Licensed dealers request instant checks by using a 1-800 number or an electronic point-of-sale device. The GBI is allowed 3 business days to complete a check. During the 3 business days a delay status is given to the dealer until a final determination can be made. The time allowed can be extended if the applicant's criminal history record is not immediately available (no extension limit is provided in the statute). Georgia's consent form requires the purchaser's name, gender, race, and date of birth, plus a Social Security or other identification number (a Social Security number is voluntary, but is used as a means of identification and as a search parameter).

Waiting period. No State requirements.

Purchaser fees. GBI charges \$5 for the background check on a firearm purchaser.

State data. Georgia maintains fully automated fugitive, criminal history, probation, parole, flagged domestic violence misdemeanor, and protective order data. Insanity, incompetent to stand trial, and involuntary commitment dispositions are contained in a database maintained by GBI and may also be included in criminal histories.

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

Retention of records. The Georgia Consent Form is attached to the ATF 4473 and retained by the dealer. Identifying data from allowed NICS transactions are purged within 24 hours. Data on denied transactions are retained for 90 days except for transaction numbers and denial dates, which are retained indefinitely.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm may petition GBI in writing or by telephone for an amendment of the record. A further appeal may be filed in superior court.

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

2003/2004 legislation. No significant changes.

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.

Contact. Terry Gibbons, Bureau of Investigation Crime Information Center, P.O. Box 370808, Decatur, GA 30037, (404) 244-2638.

Hawaii

State requests NICS checks

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

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

Prohibited firearms. Since July 1, 1992, an assault pistol cannot be brought into Hawaii and, if legally owned before that date, can only be transferred to a licensed dealer or a county chief of police. Possession, sale, or transfer of an automatic firearm or a short barrel rifle or shotgun is prohibited. It is unlawful to possess or sell a handgun made of zinc alloy with a melting temperature of less than 800 degrees Fahrenheit.

Regulated sales. Hawaii law requires a permit to acquire the ownership of any firearm. A firearms dealer is required to have a State license.

Permits. A permit to acquire, valid for 10 days, is required for every purchase of a handgun. A permit to acquire, valid for 1 year, is required for unlimited purchases of long guns. A license is needed to carry a handgun. Certain aliens may obtain a permit to acquire or use a firearm.

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

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

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

State data. Hawaii's criminal justice information system contains criminal histories, domestic violence misdemeanors (flagged records), and some restraining orders. A wants and warrants file is being developed. Criminal histories may include an acquittal by reason of insanity or an involuntary commitment to a mental institution. A State mental health facility database is queried and files are manually reviewed for names with a positive hit. Data may be obtained from a private mental health agency if a permit applicant signs a waiver or the agency receives State funding.

Check processing time. No statewide information is available.

Retention of records. Information on permit applications is retained permanently.

Registration. All firearms acquired in Hawaii or brought into the State are required to be registered, except for certain antique or inoperable devices.

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

Arrests of denied persons. No information is available.

2003/2004 legislation. No significant changes.

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

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

Contact. Liane Moriyama, Criminal Justice Data Center, 465 South King Street, Room 101, Honolulu, HI 96813, (808) 587-3110.

Idaho

FBI conducts NICS checks

Prohibited persons. Idaho law does not allow persons convicted of certain felonies to ship, transport, possess, or receive firearms. It is unlawful for persons who were previously convicted of these felonies (or comparable offenses in other U.S. jurisdictions) to purchase, own, possess, or have custody or control of any firearm, unless the conviction was nullified by expungement, pardon, setting aside the conviction, or restoration of civil rights. A firearm cannot be sold to or possessed by a minor under the age of 18 without the written consent of a parent or guardian.

Restoration of rights. Some convicted felons regain firearm 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 of firearm rights if 5 years have elapsed after final discharge.

Prohibited firearms. None.

Regulated sales. State law does not require background checks on firearms purchasers. Residents of contiguous States may purchase long guns in Idaho unless otherwise prohibited.

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 firearms dealers in Idaho contact the FBI for all background checks required by the Brady Act. County sheriffs conduct background checks on applicants for concealed weapon permits. ATF allows a holder of a valid concealed weapon permit to purchase a firearm without a new NICS check.

Waiting period. No State requirements.

Purchaser fees. None.

State data. Idaho maintains fully automated fugitive and criminal history data on a statewide network, as well as a sex offender registry. Domestic violence misdemeanor convictions are found within criminal history records and civil protection orders are entered into the NCIC protection order file. The State is pursuing technical improvements to misdemeanor conviction records and a feasibility study of an automated link between law enforcement and courts for protection order data is underway.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm by the FBI may appeal under Federal law. A person who is denied a concealed weapon permit may bring a civil action in the county of application or Ada County.

Arrests of denied persons. No information is available.

2003/2004 legislation. Persons who were convicted of murder or voluntary manslaughter are prevented from shipping, transporting, possessing or receiving a firearm after discharge from custody, regardless of when they were convicted.

Relevant laws. Idaho Code 18-310; 18-3302 et seq.

Source of information. Idaho State Police.

Contact. Dawn A. Peck, State Police Bureau of Criminal Identification, 700 South Stratford, Meridian, ID 83642, (208) 884-7136.

Illinois

State requests NICS checks

Prohibited persons. Firearm Owners Identification (FOID) cards cannot be issued to persons who are prohibited by any Illinois statute or Federal law. State law prohibits firearm possession by a person who is under 21 years of age and has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; under 21 and lacks parental consent to possess firearms; a convicted felon; a narcotics addict; mentally ill or retarded; an illegal alien; subject to a protective order; convicted of a firearm or domestic violence offense; or adjudicated delinquent for an offense that would be a felony if committed by an adult. It is illegal to make a straw purchase for a prohibited person.

Restoration of rights. A felon may regain firearm rights if relief from an Illinois conviction is granted. A person who committed a forcible felony must complete the sentence and 20 years without additional violations before applying to the Circuit Court. A person who committed a non-forcible felony may apply to the Director of State Police.

Prohibited firearms. It is illegal to sell, manufacture, purchase, possess, or carry a machine gun, a short-barreled rifle or shotgun, or a firearm shaped like a wireless telephone. A dealer cannot transfer a handgun made of zinc alloy or other metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit.

Regulated sales. A person who buys or redeems a firearm from a licensed dealer must display a valid FOID card and undergo a background check. A private seller is not required to request a check but must retain transaction records for 10 years. Long guns may be purchased in Illinois by residents of adjacent States and other nonresidents who meet certain requirements.

Permits. An Illinois resident must possess a valid FOID card in order to buy a firearm or ammunition. The card is valid for 5 years, with no limit on the number of firearms purchased. State law does not provide for concealed firearm permits.

Background checks. The Illinois State Police (ISP) is a point of contact for the NICS and conducts checks required by Federal and State law. Checks are conducted on applicants for FOID cards, with a maximum of 30 days allowed to process an application. A purchase from a dealer requires a valid card and an

instant check through the Firearm Transfer Inquiry Program (FTIP) Unit of ISP. Dealers use a toll free number to request checks.

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

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

State data. A statewide network contains automated data on fugitives, criminal history, and convictions. Other files cover mental health, juveniles, protective orders, and domestic violence convictions.

Check processing time. FTIP inquiries requiring limited analysis are completed in less than 2 minutes. Inquiries requiring a more in-depth analysis are completed within 3 business days, in accordance with the time frame of the Brady Act.

Retention of records. FOID applications are retained on microfilm and FOID denial data is kept for 10 years. FTIP denied transaction data is retained indefinitely.

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

Appeals of denials. A FOID card denial or revocation may be appealed to the director of State Police and further to circuit court (denials for certain reasons can only be appealed to circuit court). The same procedure applies to a purchase denial because it results in a FOID revocation.

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

2003/2004 legislation. Laws regarding the waiting period, unlawful purchase and use of a firearm, adjudicated delinquents, and appeals were amended.

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.

Contact. Larry A. Grubb, Acting Bureau Chief, Illinois State Police, Firearms Services Bureau, 100 Iles Park Place, Springfield, IL 62708, (217) 782-3310.

Indiana

FBI conducts NICS checks

State conducts separate checks

Prohibited persons. Indiana law prohibits a sale, gift, or other transfer of a handgun or an assault weapon to a person under 18 years of age, except in limited circumstances. It is unlawful to sell, give, or in any manner transfer a handgun to a person who is convicted of a felony, adjudicated a delinquent child for an act that would be a felony if committed by an adult, a drug abuser, an alcohol abuser, or mentally incompetent. Further, it is unlawful to purchase a handgun with the intent to transfer it to a person known to be ineligible to receive it. A firearm cannot be possessed by a person who is prohibited by a protective order, has been convicted of a serious violent felony or domestic battery, or is less than 18 years of age (except in limited circumstances).

Restoration of rights. A convicted felon's right to possess a handgun may be restored by post-conviction relief or a governor's pardon. A person who has been convicted of domestic battery may petition the court for restoration of firearm rights not earlier than 5 years after the date of conviction. Persons who have been adjudicated delinquent can regain their rights at age 23.

Prohibited firearms. It is illegal, with limited exceptions, to manufacture, cause to be manufactured, import, keep for sale, offer or expose for sale, give, lend, or possess a sawed-off shotgun, or to own or possess a machine gun.

Regulated sales. State law requires a background check on a person who obtains a handgun license or buys a handgun from a licensed dealer. Residents of contiguous States may purchase long guns in Indiana unless otherwise prohibited. A retail dealer of handguns must have a State license. It is illegal to secure a loan by a mortgage, deposit, or pledge of a handgun.

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

Background checks. The Indiana State Police (ISP) conducts background checks on applicants for handgun licenses. A person without a license who receives a handgun from a dealer must undergo a telephone instant check by ISP. After receiving a dealer's request for a check, ISP has until the end of the next business day to advise of a prohibition. Indiana is not a point of contact for the NICS. Licensed

dealers in the State must contact the FBI for all checks required by the Brady Act.

Waiting period. No State requirements.

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. The statewide network available for background checks includes automated criminal history, wanted person, protection order, and juvenile offender data. Domestic violence misdemeanor convictions may be found in court records.

Check processing time. No information is available.

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

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

Appeals of denials. A person who is denied a handgun by ISP may appeal to that agency or to the agency with the disqualifying record. A further appeal may be filed in circuit court. A purchase denial by the FBI may be appealed pursuant to Federal law.

Arrests of denied persons. ISP informs ATF of persons who submit false information on a firearm application. A person with an outstanding warrant is reported to the agency with jurisdiction over the fugitive.

2003/2004 legislation. A new section makes it unlawful for a person who has been convicted of domestic battery to knowingly or intentionally possess a firearm, unless the person's rights have been restored. A person who has been convicted of such a crime may petition the court for restoration not earlier than 5 years after the date of conviction.

Relevant laws. Indiana Code 34-26-2-12; 35-47-1-1 et seq.

Source of information. Indiana State Police.

Contact. Fred Pryor, State Police Firearms Division, Government Center North, 100 N. Senate Avenue, Indianapolis, IN 46204, (317) 232-8263.

Iowa

FBI conducts long gun NICS checks State requests handgun NICS checks

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

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

Prohibited firearms. It is illegal, with limited exceptions, to knowingly possess a machine gun, short-barreled rifle, short-barreled shotgun, silenced firearm, or any part or combination of parts designed or intended to be used to convert any device into a prohibited firearm.

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

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

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

Waiting period. An Iowa permit to acquire handguns becomes valid 3 days after the date of application unless the applicant is found to be disqualified.

Fees charged. There is no statutory fee for a permit to acquire handguns. The statutory fee for a new permit to carry weapons is \$10 and a renewal is \$5. Some sheriffs charge a fee for processing a permit.

State data. Iowa maintains fully automated fugitive, criminal history, protective order, and flagged domestic abuse misdemeanor data on a statewide network. Checking agencies also have access to some probation, parole, and juvenile data. Insanity dispositions may be included in criminal histories and some agencies check county court records to obtain mental incompetence data.

Check processing time. No statewide information is available.

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

Registration. No State requirements.

Appeals of denials. A person who is denied a permit under Iowa law can appeal to Iowa district court. A person who is denied under Federal law can appeal to the FBI's NICS Program Office.

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

2003/2004 legislation. No significant changes.

Relevant laws. Iowa Code 702.7; 724.1 et seq.

Source of information. Iowa Department of Public Safety.

Contact. Sam Knowles, Department of Public Safety, Wallace State Office Building, Des Moines, IA 50319, (515) 281-7663.

Kansas

FBI conducts NICS checks

Prohibited persons. It is illegal to knowingly transfer a firearm with a barrel less than 12 inches to a person under 18 years of age, or to knowingly transfer a firearm to a person who is both addicted to and an unlawful user of a controlled substance, or has been convicted of a felony described in the criminal disposal of firearms statute. A firearm cannot be possessed by a person who is both addicted to and an unlawful user of a controlled substance, or has been convicted of a felony or adjudicated as a juvenile offender, under circumstances described in the criminal possession of a firearm statute. A person less than 18 years of age cannot knowingly possess a firearm with a barrel less than 12 inches except in limited circumstances.

Restoration of rights. The prohibition against possession of a firearm no longer applies if 5 years (or 10 years in certain cases) have elapsed since the date of conviction for a felony or release from imprisonment for a felony (whichever date is later) or adjudication as a juvenile offender. Rights are not restored to certain offenders who possessed a firearm at the time of commission of the offense. An expungement or a pardon may also restore possession rights in certain cases.

Regulated sales. Kansas law does not require background checks on firearms purchasers. Residents of contiguous States are allowed to purchase long guns from a licensed importer, manufacturer, dealer, or collector in Kansas unless otherwise prohibited.

Prohibited firearms. It is a criminal use of a weapon to knowingly sell, manufacture, purchase, possess, or carry a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger. This prohibition does not apply to certain persons.

Permits. A permit is not required to purchase a firearm. State law does not provide for a permit to carry a concealed firearm.

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

Waiting period. No State requirements.

Purchaser fees. No State requirements.

State data. Kansas maintains criminal history, protection from abuse order, juvenile offender, and offender registration data on the statewide criminal justice information system. Domestic violence misdemeanor convictions can be identified within criminal history by statutory citation.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. No significant changes.

Relevant laws. Kansas Statutes 21-4201 et seq.

Source of information. Kansas Bureau of Investigation.

Contact. David Sim, Bureau of Investigation, 1620 Southwest Tyler, Topeka, KS 66612, (785) 296-8265.

Kentucky

FBI conducts NICS checks

Prohibited persons. Kentucky law prohibits the possession, manufacture, or transport of a firearm by a person who has been convicted of a felony in any State or Federal court, and by any youthful offender convicted of a felony offense under the laws of Kentucky. No person shall knowingly sell or transfer a firearm to any person prohibited from possessing the firearm. A handgun cannot be possessed, manufactured, or transported by a person under the age of 18 except in limited circumstances. It is unlawful for any person to intentionally, knowingly, or recklessly provide a handgun to a person under the age of 18, or for a parent or guardian to provide a handgun to a juvenile child or ward in certain circumstances.

Restoration of rights. A convicted felon's right to possess a firearm can be restored through a full pardon from the governor or the president, or through relief by the secretary of the treasury.

Prohibited firearms. None.

Regulated sales. Residents of States contiguous to the Commonwealth of Kentucky may purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in the Commonwealth. All such sales shall conform to the requirements of Federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of purchaser's State.

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

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

Waiting period. 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. Misdemeanor convictions involving domestic violence may be found in court records and the Kentucky State Police criminal history repository. Review of the specific facts underlying a conviction must be

undertaken to determine whether the offense in question satisfies the criteria of "misdemeanor crime of domestic violence" as set forth in 18 U.S.C. 921(a)(33).

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. When a person subject to a restraining order attempts to buy a firearm in violation of federal law, the Justice Cabinet must make a reasonable effort to notify the petitioner of the order if a notification request has been made.

2003/2004 legislation. No significant changes.

Relevant laws. Kentucky Revised Statutes 237.020 et seq; 431.064; 527.010 et seq.

Source of information. Kentucky State Police.

Contact. Joe West, State Police Support Services, 1250 Louisville Road, Frankfort, KY 40601, (502) 695-6205.

Louisiana

FBI conducts NICS checks

Prohibited persons. Louisiana law prohibits possession of a firearm by a person who has been convicted of certain State felonies (or a similar offense in another jurisdiction), unless the person has not been convicted of a felony for a period of 10 years from the date of completion of sentence, probation, parole, or suspension of sentence. A firearm cannot be sold or otherwise delivered to a person under the age of 18. It is unlawful for a person who has not attained the age of 17 years to possess a handgun except in limited circumstances. Ownership or possession of a firearm may be prohibited under a misdemeanor sentence for domestic abuse battery.

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

Prohibited firearms. No person (with limited exceptions) shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport a machine gun.

Regulated sales. State law does not require background checks on firearms purchasers. Residents of contiguous States may purchase long guns in Louisiana unless otherwise prohibited.

Permits. A permit is required to carry a concealed handgun. A person authorized by law to purchase a machine gun from a manufacturer or merchant must present a permit.

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

Waiting period. No State requirements.

Purchaser fees. No State requirements.

State data. A fully automated statewide computer network contains fugitive data and criminal histories that include domestic violence offenses. A protective order registry is maintained by the judicial administrator's office. Documentation of services or treatment received at a public mental health facility is

available to the State Police for concealed handgun permit checks.

Check processing time. Not applicable.

Retention of records. No State requirements.

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

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. Convictions for sex offenses were added to the list of crimes that prohibit a person from possessing a firearm or carrying a concealed weapon. A new law created a domestic abuse battery crime and provided that a misdemeanor sentence may be suspended if the offender refrains from owning or possessing a firearm for the entire length of sentence.

Relevant laws. Louisiana Revised Statutes 14:35.3; 14:91; 14:95 et seq; 40:1379.3; 40:1751 et seq.

Source of information. Louisiana State Police.

Contact. Kenneth Martin, State Police Concealed Handgun Section, P.O. Box 66375, Baton Rouge, LA 79896, (225) 925-4867.

Maine

FBI conducts NICS checks

Prohibited persons. Maine law prohibits ownership, possession, or control of a firearm by a person who has been convicted or found not criminally responsible by reason of mental disease or defect of committing a crime punishable by imprisonment for 1 year or more, a crime in another State that is similar to an offense punishable by imprisonment for 1 year or more in Maine, or a firearm or dangerous weapon crime; engaged in conduct as a juvenile that if committed by an adult would have been a disqualifying conviction; or is subject to a domestic violence restraining order. An individual may not transfer a handgun to a person under 18 years of age (except in limited circumstances) and a licensed dealer may not sell or deliver a handgun to a person under 21 years of age. It is unlawful for a person other than a parent or guardian to transfer a long gun to a person under 16 years of age.

Restoration of rights. Firearm rights may be restored by a court order or a governor's pardon. A person convicted of a disqualifying offense may apply to the Commissioner of Public Safety for a permit to possess a nonconcealable firearm if 5 years have elapsed since the date of final discharge from the sentence. The commissioner's decision may be appealed to superior court. (This permit is limited to weapons such as black powder guns that are not defined as firearms under Federal law.) Nonviolent juvenile offenders regain firearm rights 3 years after completion of their dispositions or upon reaching 18 years of age, whichever is later.

Prohibited firearms. It is illegal for a person to possess a machine gun, except for law enforcement or military personnel in the discharge of official duties or if the machine gun is possessed in accordance with the National Firearms Act.

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 firearm. An offender whose rights have been restored may be issued a possession permit but cannot carry a concealed firearm. This permit does not authorize the holder to possess a weapon defined as a firearm under Federal law.

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

Waiting period. No State requirements.

Purchaser fees. No State requirements.

State data. State agencies maintain criminal history, fugitive, juvenile offense, domestic violence restraining order, and motor vehicle data. Criminal histories may contain insanity and incompetent to stand trial dispositions.

Check processing time. Not applicable.

Retention of records. An issuing authority must make permanent records of concealed firearms permits that are issued.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. A new law allows a court that issues a domestic violence restraining order to require that firearms owned by the defendant be temporarily relinquished. Concealed firearm permit laws were amended to be consistent with the statute regarding possession of firearms by prohibited persons.

Relevant laws. 15 MRSA 393; 17-A MRSA 554A; 17-A MRSA 554B; 17-A MRSA 1051; 25 MRSA 2001-2006.

Source of information. Maine State Police.

Contact. Sgt. William Gomane, Maine State Police Special Investigations Unit, State House Station #164, Augusta, Maine 04333, (207) 624-7212.

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; an habitual drunkard; addicted to a controlled substance; mentally disordered as defined in State law; under 21 years of age; less than 30 years of age and was adjudicated delinquent; 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. A regulated firearm buyer is required to complete a safety training course. A long gun cannot be purchased by a person under the age of 18 or possessed by a person who suffers from a mental disorder.

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

Prohibited firearms. It is illegal, with limited exceptions, to possess or transfer an assault pistol on or after 7/1/94, or to possess a short-barreled rifle or shotgun. Any type of handgun that is not on the Maryland handgun roster may not be manufactured for sale in the State.

Regulated sales. Background checks are required on all persons who buy a regulated firearm. A dealer is required to have a Maryland regulated-firearms 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. Regulated firearm purchasers must have resided in Maryland for 90 days, and are limited to one purchase every 30 days. Residents of adjacent States may purchase long guns from licensed dealers in Maryland unless otherwise prohibited.

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

Background checks. The Maryland State Police is a partial point of contact for the NICS and conducts checks on regulated firearms buyers. Dealers transmit applications to MP by certified mail or fax. Private sales are processed through dealers or MP installations. Checks must be completed within 7 days unless placed on hold because of a criminal proceeding without a disposition. The FBI checks all

redemptions, and sales of long guns not regulated by Maryland law.

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

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

State data. Maryland maintains fully automated fugitive and criminal history files, plus restraining order, flagged domestic violence misdemeanor, probation, and parole data. Information on mentally ill persons who attempt to purchase firearms is maintained when it is voluntarily provided by family members or other persons.

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

Retention of records. Permanent transaction records, containing the caliber, make, model, serial number, and special characteristics of each regulated firearm transferred, are maintained by MP. Denied applications are maintained indefinitely.

Registration. Machine guns and assault pistols (owned before 7/1/94) must be registered.

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

Arrests of denied persons. All denied persons are reported to the MP *Firearms Enforcement Section*.

2003/2004 legislation. Regulated firearms laws and other provisions in the former Article 27 of the Maryland Code were recodified as a new Public Safety Article.

Relevant laws. Code of Maryland: Criminal Law Title 4; Public Safety Title 5.

Source of information. Maryland State Police *Licensing Division, Firearms Registration Section*.

Contact. W.T. Szimanski, State Police *Licensing Division, Firearms Registration Section*, 7751 Washington Boulevard, Jessup, MD 20794, (410) 799-0191.

Massachusetts

FBI conducts NICS checks

State conducts separate checks

Prohibited persons. A firearm identification card or license to carry will not be issued to a person who is convicted or adjudicated a youthful offender or delinquent child in Massachusetts, another State, or a federal jurisdiction for commission of a felony, a misdemeanor punishable by more than 2 years imprisonment, a violent crime, or a weapon or drug offense; or to a person who is mentally ill, a drug or alcohol addict, under age, subject to a protection order, or a wanted person. An identification card or a license cannot be used to buy a firearm, rifle, or shotgun for the unlawful use of another or for transfer to an unlicensed person. A permit to purchase may be issued with restrictions to a person who is not a minor if it appears that the purchase is for a proper purpose.

Restoration of rights. A person who committed a disqualifying adult or juvenile offense (except for certain offenses) may possess a rifle or shotgun 5 years after completion of a sentence or an adjudication without new violations, if this right is fully restored in the jurisdiction where the adjudication or conviction occurred. Addicted persons may apply for restoration if 5 years have elapsed after completion of treatment.

Prohibited firearms. It is illegal to possess a machine gun (with limited exceptions) or a sawed-off shotgun. A firearm cannot be sold if it does not meet certain manufacturing standards or pass a firing test.

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

Permits. Two classes of licenses to carry allow, for 4 years, possession of certain types of weapons: Class A, large capacity firearms, rifles, and shotguns; Class B, non-large capacity firearms, and large capacity rifles and shotguns. A firearms identification card allows, for 4 years, possession of rifles, shotguns, ammunition, and chemical mace or similar substances. Certain firearm purchases require a permit that is valid for 10 days. A machine gun permit may be issued to a police instructor or a collector. Temporary licenses and permits may be issued to non-residents and aliens, with certain restrictions.

Background checks. Licensing authorities (351 police departments) forward license and identification card applications to the Massachusetts State Police (MP), which conducts criminal history fingerprint checks. MP 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 checks required by the Brady Act.

Waiting period. No State requirements.

Purchaser fees. A \$100 fee is charged for licenses to carry, identification cards, and permits to purchase.

State data. The State maintains fully automated criminal history, probation, parole, juvenile, domestic restraining order, and fugitive data. Domestic assault and other violent misdemeanors are found in criminal histories. Licensing authorities contact the Department of Mental Health by phone or e-mail. The State will notify the licensing authority of any disqualifying events which may occur after the license is issued.

Check processing time. No data is available.

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

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

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

Arrests of denied persons. An applicant who is denied a license or identification card may be arrested if the person has an outstanding warrant.

2003/2004 legislation. Firearm identification card and license to carry fees were increased to \$100.

Relevant laws. Massachusetts General Laws, chapter 140, section 121 et seq; chapter 269, section 10.

Source of information. Massachusetts Criminal History Systems Board, Executive Office of Public Safety.

Contact. Barry LaCroix, Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150, (617) 660-4704.

Michigan

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. A license to purchase a handgun may not be issued to a person subject to an order or disposition pursuant to: involuntary hospitalization or alternative treatment, legal incapacity, personal protection, stalking, a restraining order, release subject to protective conditions, or found not guilty by reason of insanity. A license may not be issued to a person who is under 18, is not a U.S. citizen or resident alien and a resident of Michigan, has a pending felony charge, is not prohibited from possessing, using, or transporting a firearm due to certain types of felonies, has been adjudged insane, is under an order of involuntarily committed, or has been adjudged legally incapacitated. A license may be denied if the licensing agency has probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the pistol. An applicant must score 70% or more on a pistol safety questionnaire. It is illegal to sell a long gun to a person who is under 18 or has been indicted for or convicted of a felony. A firearm cannot be possessed by a person less than 18 who is not under the supervision of an individual 18 or older.

Restoration of rights. State law allows persons convicted of nonviolent or drug offenses to 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 may also be restored if a conviction is expunged or set aside or the offender is pardoned. However, current Federal law does not recognize restoration by a licensing board after July 1, 2001.

Prohibited firearms. A person shall not manufacture, sell, offer for sale, or possess a machine gun or a short-barreled shotgun or rifle, with limited exceptions.

Regulated sales. A person shall not purchase a handgun without first having obtained a license. Handguns cannot be pawned for resale. Residents of contiguous States may purchase long guns in Michigan unless otherwise prohibited.

Permits. A license (valid for 10 days) is required for every purchase of a handgun unless the purchaser holds a license 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. Licensed firearms dealers in Michigan must contact the FBI for checks on sales and redemptions of long guns required by the Brady Act. ATF allows a handgun purchase license (but not a concealed carry license) to be used at the point of sale in lieu of the NICS check.

Waiting period. No State requirements.

Purchaser fees. None.

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

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 sheriff 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. Copies of the registration are retained by the registering law enforcement agency and the Michigan State Police.

Appeals of denials. A person denied a handgun purchase or concealed carry license can appeal to circuit court or through NICS.

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

2003/2004 legislation. Pistol licensing and safety inspection requirements were amended.

Relevant laws. Michigan Compiled Laws 3.111 et seq; 28.421 et seq; 750.222 et seq.

Source of information. Michigan State Police.

Contact. Katie Bower, State Police Criminal Justice Information Center, 7150 Harris Drive, Lansing, MI 48913, (517) 322-5518.

Minnesota

FBI conducts NICS checks

State conducts separate checks

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

Restoration of rights. A person convicted of or adjudicated delinquent for committing a crime of violence cannot possess a firearm unless the offender was discharged from a sentence before August 1, 1993, firearm rights have been restored by court order under 609.165.1(d), and no further conviction or adjudication for another crime of violence has occurred. A person convicted of a gross misdemeanor may regain firearm rights if 3 years have expired since the date of conviction.

Prohibited firearms. It is illegal, with limited exceptions, to own or possess a machine gun or short-barreled shotgun. A "Saturday Night Special Pistol" cannot be sold by a licensed dealer or manufactured or assembled by any person.

Regulated sales. A background check is required on a person who attempts to obtain a permit or buy a handgun or an assault weapon from a licensed dealer. Residents of contiguous States may purchase long guns in Minnesota unless otherwise prohibited.

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

Background checks. Five-hundred sixty-eight sheriffs and police departments conduct checks after receiving transferee permit applications or transfer reports (on persons without permits) from dealers. A permit shall be issued or denied within 7 days of application. After a transfer report is filed, a dealer may complete the transaction if a notice of disqualification from the checking agency is not

received within 5 business days. In addition, dealers in Minnesota contact the FBI for all checks required by the Brady Act.

Waiting period. No person shall deliver a handgun or assault weapon until 5 business days after the date the agreement to transfer is delivered to a chief of police or sheriff. All or part of the waiting period may be waived by the checking agency because of a threat to the life of the transferee or a member of the transferee's household.

Purchaser fees. There is no fee for a transferee permit or a transfer report. A fee not to exceed \$10 may be charged for a check on a carry permit applicant.

State data. A statewide network maintains automated criminal history, fugitive, juvenile, and order for protection data. Domestic violence misdemeanors are identified in criminal histories by the offense charge. Checking agencies call the Department of Human Services for involuntary commitment data. Criminal histories may contain incompetent to stand trial and involuntary commitment dispositions.

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

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

Registration. A report of ownership must be filed for a machine gun or short-barreled shotgun.

Appeals of denials. A person who is denied a permit or firearm can appeal to the district 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.

2003/2004 legislation. Restoration of rights procedures were amended for persons who commit a crime of violence or a gross misdemeanor.

Relevant laws. Minnesota Statutes 609.165; 609.66 et seq; 624.71 et seq.

Source of information. Minnesota Department of Public Safety.

Contact. Robert Johnson, Dept. of Public Safety, Bureau of Criminal Apprehension, 1430 Maryland Avenue East, St. Paul MN 55106, (651) 793-1012.

Mississippi

FBI conducts NICS checks

Prohibited persons. Mississippi law makes it unlawful to sell, give, or lend a firearm to a person whom the transferor knows to be a minor under 18 years of age, or intoxicated. A person convicted of a felony under the laws of Mississippi, any other State, or the United States cannot possess any firearm. It is an act of delinquency for a person under the age of 18 years to knowingly possess a handgun, except in limited circumstances.

Restoration of rights. A convicted felon's right to possess a firearm can be restored by a governor's pardon, Federal relief, or a certificate of rehabilitation from the court of conviction.

Prohibited firearms. None.

Regulated sales. State law does not require background checks on firearm 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 firearms dealers in Mississippi contact the FBI for all background checks required by the Brady Act. The Mississippi Department of Public Safety conducts background checks on applicants for concealed handgun licenses. ATF allows a valid license issued to an individual to be used for a purchase without a new NICS check.

Waiting period. There is no State waiting period to purchase a firearm.

Purchaser fees. No State requirements.

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

Check processing time. No statewide data is available.

Retention of records. Information on persons who are denied a concealed handgun license is retained indefinitely.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm by the FBI may appeal under Federal law. A person who is denied a concealed handgun license may appeal to the commissioner of public safety and further to the circuit or county court.

Arrests of denied persons. No information is available.

2003/2004 legislation. No significant changes.

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

Source of information. Mississippi Department of Public Safety. (Note: The Department of Public Safety is the agency responsible for the issuance of individual firearm permits and does not regulate the purchasing of firearms.)

Contact. Judy Tucker, Department of Public Safety, Firearm Permit Unit, P.O. Box 958, Jackson, MS 39205, (601) 987-1586.

Missouri

FBI conducts NICS checks State conducts separate checks

Prohibited persons. Missouri law requires that an applicant for a permit to acquire a concealable firearm (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 has pled guilty to, been convicted of, is a fugitive from justice for, or currently charged with a crime punishable by imprisonment for a term exceeding 1 year under the laws of any State or the U.S., or a weapons misdemeanor; has been dishonorably discharged from U.S. armed forces; is publicly known to be habitually intoxicated or drugged; is currently adjudged mentally incompetent; has been committed to a mental health facility; or has rendered a false statement on the application. It is unlawful to transfer a firearm to a person who is not entitled to possess it, is less than 18 years old (without consent of the child's parent or guardian), or is intoxicated. It is unlawful to receive a handgun without obtaining a valid permit or to deliver a handgun to a person who lacks a valid permit.

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

Prohibited firearms. It is illegal, with limited exceptions, to knowingly possess, manufacture, transport, repair, or sell a machine gun or a short-barreled rifle or shotgun.

Regulated sales. Permit regulations pertain to all handgun transfers by licensed dealers, pawnshops, and unlicensed persons. Residents of contiguous States may purchase long guns in Missouri unless otherwise prohibited.

Permits. Missouri mandates a permit to acquire a concealable firearm, which is valid for 30 days and can be used to purchase one handgun. An endorsement issued by a county sheriff is required to carry a concealed handgun.

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 permit shall be issued or denied within 7 business days. The State is not a point of contact for the NICS. Licensed firearms dealers in Missouri contact the FBI for all checks required by the Brady Act.

Waiting period. No State requirements.

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

State data. Missouri maintains fully automated fugitive, criminal history, domestic violence restraining order, probation, and parole data on a statewide computer network. Criminal histories may contain flagged domestic violence misdemeanor convictions and insanity dispositions. The State is pursuing technical and administrative improvements to record systems for domestic violence misdemeanor convictions and restraining orders.

Check processing time. No statewide information is available.

Retention of records. Sheriffs are required to keep a record of all applications for permits and the actions taken on applications, and to preserve all returned permits. The permit statute does not specify a record retention period.

Registration. Handguns are not registered by the State, but are registered by county and municipal law enforcement agencies.

Appeals of denials. A person who is denied a permit may appeal to small claims court in the county where they reside and the permit was requested.

Arrests of denied persons. An applicant may be arrested for obtaining a permit upon a false representation.

2003/2004 legislation. Conceal and Carry Weapon Law: this section authorizes county sheriffs to issue permits to carry concealed handguns, pursuant to section 571.101 RSMo.

Relevant laws. Missouri Revised Statutes 407.500, 407.505; 571.010 et seq.

Source of information. Missouri State Highway Patrol.

Contact. Timothy P. McGrail, State Highway Patrol, Criminal Records and Identification Division, P.O. Box 568, Jefferson City, MO 65102, (573) 526-6160.

Montana

FBI conducts NICS checks

Prohibited persons. Montana law makes it unlawful for a person to purposely or knowingly purchase or possess a firearm after the person has been convicted of certain felonies or an equivalent offense under the law of another State or the United States. A minor child under the age of 14 years cannot carry or use firearms in public without adult supervision.

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

Prohibited firearms. It is an offense, except under certain circumstances, to possess a sawed-off rifle or a sawed-off shotgun.

Regulated sales. State law does not require background checks on firearms purchasers. Residents of contiguous States may purchase long guns in Montana unless otherwise prohibited.

Permits. A permit to purchase a firearm is only required for certain offenders who must apply to the district court. A permit is required to carry a concealed weapon.

Background checks. The State is not a point of contact for the NICS. Licensed firearms dealers in Montana contact the FBI for all checks required by the Brady Act. County sheriffs conduct background checks on applicants for concealed weapon permits. ATF allows a holder of a valid concealed weapon permit to purchase a firearm without a new NICS check.

Waiting period. No State requirements.

Purchaser fees. No State requirements.

State data. Montana maintains fully automated fugitive and criminal history data on a statewide network. Criminal histories may contain flagged domestic violence misdemeanor convictions and dispositions of acquitted by reason of mental defect. State law requires entry of domestic violence restraining orders into the NCIC protection order file. Technical and administrative improvements to domestic violence records are underway.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm by the FBI may appeal under Federal law. A denial of a concealed weapon permit application may be appealed to Montana district court.

Arrests of denied persons. A person who is denied a concealed weapon permit may be arrested if wanted in an outstanding warrant.

2003/2004 legislation. No significant changes.

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

Source of information. Montana Department of Justice.

Contact. Nancy Bloom, Department of Justice, CJIS Bureau, 303 N. Roberts, P.O. Box 1417 Helena, MT 59620, (406) 444-2802.

Nebraska

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. A handgun transfer certificate cannot be issued to a person who is under 21 years of age or whose purchase or possession of a handgun would be in violation of applicable Federal, State, or local law. It is unlawful to knowingly and intentionally obtain a handgun for the purpose of transferring it to a prohibited person. It is unlawful for a handgun to be possessed by or transferred to a person under the age of 18, except in limited circumstances. A person who has previously been convicted of a felony in any United States jurisdiction or is a fugitive from justice cannot possess a firearm.

Restoration of rights. A person who was convicted of a felony can possess a firearm if restoration of such rights is included in a pardon.

Prohibited firearms. It is an offense, except under certain circumstances, to possess a sawed-off rifle or a sawed-off shotgun.

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

Permits. The transfer certificate needed to receive a handgun is valid for up to 3 years and can be used for an unlimited number of purchases. State law does not provide for 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. The application may be made in person or by mail. State law allows a maximum period of 2 days to investigate and decide on an application for a certificate. Licensed firearms dealers in Nebraska contact the FBI for checks on long gun purchasers required by the Brady Act. ATF allows a handgun transfer certificate to be used in lieu of a NICS check at the point of sale.

Waiting period. No State requirements.

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

State data. Nebraska maintains a statewide network with automated data on fugitives, criminal histories, domestic violence restraining orders, probation, parole,

and mental health commitments. Criminal histories may contain flagged domestic violence misdemeanor convictions.

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

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

Registration. No State requirements.

Appeals of denials. A denial or revocation of a handgun transfer certificate can be appealed to the county court.

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

2003/2004 legislation. No significant changes.

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

Source of information. Nebraska State Patrol.

Contact. John Shelton, State Patrol, Communications Division, P.O. Box 94907, Lincoln, NE 68509, (402) 479-4099.

Nevada

State requests NICS checks

Prohibited persons. Nevada law prohibits possession or control of a firearm by a child under 18 years of age, except in limited circumstances. It is illegal to recklessly or knowingly sell or barter a handgun to a child who is under the age of 18. A person shall not own, possess, or have custody or control over any firearm if the person has been convicted of a felony under the laws of Nevada, another State, or the United States, or is a fugitive, an unlawful drug user or addict, adjudicated mentally ill, committed to a mental health facility, or illegally in the U.S. It is illegal to knowingly transfer a firearm to a person who is under indictment for or convicted of a felony, a fugitive, adjudicated mentally ill, committed to a mental health facility, or illegally in the U.S.

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

Prohibited firearms. It is illegal to knowingly or willfully possess, manufacture, or dispose of a short-barreled rifle or shotgun. A person shall not manufacture or cause to be manufactured, or import into the State, or keep, offer or expose for sale, or give, lend, possess or use a machine gun, unless authorized by Federal law.

Regulated sales. Pursuant to an executive order of the governor, Nevada enforces the Brady Act requirement of background checks on firearm transfers by licensed dealers. State law gives unlicensed sellers the option of requesting a check on a purchaser from the Nevada Point-Of-Sale Firearms Program. Residents of contiguous States may purchase long guns in Nevada unless otherwise prohibited.

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

Background checks. The Nevada Highway Patrol (NHP) is a point of contact for the NICS and conducts all checks required by the Brady Act. Licensed firearms dealers in Nevada request instant checks by telephone. In addition, NHP conducts checks requested by unlicensed sellers, which must be

completed within 3 business days. County sheriffs conduct background checks on applicants for concealed firearm permits. ATF allows a valid permit to be used for a purchase without a subsequent NICS check.

Waiting period. No State requirements.

Purchaser fees. The fee for a firearms background check is \$25.

State data. Nevada maintains fully automated fugitive, criminal history, flagged domestic violence misdemeanor, and protective order data on a statewide network. Mental health facilities may be contacted by NHP for data on mental illness prohibitions.

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. Identifying data from allowed NICS transactions are purged within 24 hours. Information from denied transactions is retained for 2 years.

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

Appeals of denials. A person who is denied a firearm may request reconsideration from the NHP Records and Identification Bureau. A person who is denied a concealed firearm permit may file a petition in Nevada district court.

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, NHP notifies the agency with jurisdiction over the site of the transaction.

2003/2004 legislation. Laws concerning prohibited persons and firearms were amended. A new section makes it illegal to knowingly transfer a firearm to certain persons.

Relevant laws. Nevada Revised Statutes 176A.860; 202.253 et seq; 213.090.

Source of information. Nevada Highway Patrol.

Contact. Bonnie McCabe, Highway Patrol Records and Identification Services, 808 West Nye Lane, Carson City, NV 89703, (775) 687-1600.

New Hampshire

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. A firearm cannot be owned, possessed, or controlled by a person who has been convicted of certain felonies in any United States jurisdiction. No person shall sell, deliver, or otherwise transfer a firearm to a person who has been convicted in any jurisdiction of a felony. It is illegal to sell, barter, hire, lend, or give a handgun to a minor (under age 18) except in limited circumstances. A licensed dealer shall not sell handguns to nonresidents who are prohibited in their States of residence. It is illegal to knowingly attempt to purchase a firearm while subject to a protective order.

Restoration of rights. A felon convicted in New Hampshire may regain firearm rights through a full and unconditional pardon by the governor or an annulment of the conviction.

Prohibited firearms. None.

Regulated sales. New Hampshire law requires a retail seller of handguns to obtain a license from the selectmen of a town or the chief of police of a city. The State conducts background checks on persons who purchase handguns from licensed dealers.

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

Background checks. The New Hampshire Department of Safety (DOS) is a partial point of contact for the NICS, processing background checks on persons who purchase or redeem handguns from licensed dealers. An instant check may be requested by way of a 1-800 number. A handgun transfer may proceed if the dealer is not informed of a prohibition by DOS within 3 days. In addition, licensed firearms dealers in New Hampshire contact the FBI for checks on persons who purchase or redeem long guns.

Waiting period. No State requirements.

Purchaser fees. None.

State data. New Hampshire maintains fugitive, criminal history, restraining order, and flagged domestic violence misdemeanor data on a statewide computer network. Criminal histories may contain insanity and incompetent to stand trial dispositions.

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

Transactions requiring additional research normally are processed in less than 4 hours.

Retention of records. State law requires destruction of information on approved transactions within 24 hours after approval (except for request dates and approval numbers, which may be maintained indefinitely). Information on denied transactions shall be retained for 3 years.

Registration. No State requirements.

Appeals of denials. A person denied a handgun by DOS may appeal to that agency, and further to superior court.

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

2003/2004 legislation. No significant changes.

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

Source of information. New Hampshire State Police.

Contact. Patrick Poirier, Department of Safety, State Police, James H. Hayes Safety Building, 10 Hazen Drive, Concord, NH 03305, (603) 271-3575.

New Jersey

State conducts NICS checks State conducts separate checks

Prohibited persons. A handgun permit or firearm identification card cannot be issued to a person who is convicted of a crime, drug dependent, confined for a mental disorder, an habitual drunkard, physically unable to handle firearms, found to have submitted false information, under age 18 (for an identification card) or 21 (for a permit), barred from firearm possession by court order, or adjudicated delinquent for firearm, weapon, explosive, or destructive device offenses. Issuance of a permit must not contravene the interest of public health, safety, or welfare. No person under the age of 18 years shall acquire or possess a firearm except in limited circumstances.

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.

Prohibited firearms. It is unlawful, with limited exceptions, to possess, manufacture, cause to be manufactured, transport, ship, sell, or dispose of a sawed-off shotgun, machine gun, or assault firearm.

Regulated sales. Permit regulations apply to all handgun transfers, and an identification card is required to receive a long gun. A firearm cannot be security for a loan. A dealer must have a State license.

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

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

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

Purchaser fees. The fingerprint fee is \$54. Document fees are \$2 for a handgun permit and \$5 for an identification card. An assault firearm or machine gun license costs \$75.

State data. New Jersey maintains fugitive, criminal history, domestic violence restraining order, misdemeanor, juvenile, and probation/parole data. NJSP's NICS unit accesses Department of Mental Health data and local police may check county mental illness records. Some mental health dispositions may be included in criminal histories.

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

Retention of records. Permit and identification card applications are retained indefinitely by police departments. NJSP purges identifying data from allowed NICS transactions within 24 hours; denial data are retained indefinitely.

Registration. Handguns and assault firearms are registered.

Appeals of denials. A permit or identification card denial can be appealed to the superior court for the county where the application was filed, with notice to the issuing authority. A purchase denial can be appealed to the NICS unit.

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

2003/2004 legislation. No significant changes.

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

Source of information. New Jersey State Police.

Contact. J. F. Corbley / John O'Brien, Division of State Police, P.O. Box 7068, West Trenton, NJ 08628, (609) 882-2000.

New Mexico

FBI conducts NICS checks

Prohibited persons. New Mexico makes it unlawful for a person under the age of 19 to knowingly possess or transport a handgun, except in limited circumstances. It is unlawful for a firearm to be received, transported, or possessed by a felon, defined as a person convicted of a felony offense by a court of the United States or of any State or political subdivision thereof and less than 10 years have passed since the person completed a sentence or period of probation (whichever is later) and the person has not been pardoned or received a deferred sentence.

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

Prohibited firearms. None.

Regulated sales. New Mexico law does not require background checks on firearms purchasers. Residents of contiguous States may purchase firearms in New Mexico unless otherwise prohibited.

Permit. 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 firearms dealers in New Mexico contact the FBI for all checks required by the Brady Act.

Waiting period. No State requirements.

Purchaser fees. None.

State data. New Mexico maintains criminal history, flagged domestic violence misdemeanor, and juvenile data on a statewide network. These files are partially automated, with search requests made by teletype to the Department of Public Safety. A domestic violence protection order database is being developed.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. A new article authorized the Department of Public Safety to issue concealed handgun licenses.

Relevant laws. New Mexico Statutes 29-19-1 et seq; 30-7-1 et seq.

Source of information. New Mexico Department of Public Safety.

Contact. Paul V. Herrera, Department of Public Safety, Law Enforcement Records Bureau, P.O. Box 1628, Santa Fe, NM 87504, (505) 827-9191.

New York

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. New York law prohibits issuing a license to carry or possess a handgun to any person who is under 21, is not of good moral character, has been convicted of a felony or "serious offense," suffers from mental illness or has been confined to any hospital or institution for mental illness, has had a license revoked, is under a suspension or ineligibility order, or did not complete a safety course and test (Westchester County only), or concerning whom good cause exists for denial. A long gun cannot be possessed by a person who has been convicted of a felony or serious offense, or certified not suitable to possess a rifle or shotgun. A person under 16 cannot possess a firearm except in limited circumstances. It is unlawful to knowingly purchase a firearm on behalf of a prohibited person.

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 a handgun license application.

Prohibited firearms. It is illegal to possess a short barrel rifle or shotgun, a machine gun, a disguised gun, or an assault weapon, with limited exceptions.

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

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

Background checks. Sheriffs and police departments are partial points of contact for the NICS and conduct checks of handgun license applicants on behalf of licensing officers. Fingerprints of applicants are processed by the Division of Criminal Justice Services and the FBI. Applications must be acted upon within 6 months unless there is good cause for

delay. A NICS check is required for amendments to non-expiring licenses unless a check on the holder occurred during the preceding 5 years. Dealers contact the FBI for checks on long gun sales and firearm redemptions required by the Brady Act, and for gun show transfer checks required by New York law. ATF allows a license to be used for a purchase from a dealer without the Brady check.

Waiting period. No State requirements.

Purchaser fees. Handgun license fees vary by issuing authority, but are at least \$99, the cost of State and Federal fingerprint processing.

State data. New York maintains criminal history, fugitive, order of protection, and domestic violence misdemeanor data. Limited mental health information is available from the New York State Office of Mental Health, on patients and former patients of State-operated mental health facilities. Criminal histories may contain dispositions of incompetent to stand trial or not responsible by reason of mental disease.

Check processing time. No statewide data available.

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

Registration. Handguns are registered in New York.

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

Arrests of denied persons. Persons denied a license are arrested in some cases.

2003/2004 legislation. No significant changes.

Relevant laws. Penal Law articles 265 & 400; General Business Law article 39-DD.

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

Contact. Gina Bianchi, Esq., Division of Criminal Justice Services, 4 Tower Place, Albany, NY 12203, (518) 457-8413.

North Carolina

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. North Carolina law requires that an applicant for a handgun purchase permit be of good moral character and desire possession of the weapon for protection, target shooting, collecting, or hunting. A permit may not be issued to a person who is under indictment for or convicted of certain felonies; a fugitive; an unlawful user of drugs or a drug addict; adjudicated mentally incompetent or committed to a mental institution; an illegal alien; dishonorably discharged from the armed forces; subject to a domestic violence restraining order; or who has renounced U.S. citizenship. It is illegal for a minor under the age of 18 to possess a handgun and for a minor under the age of 12 to possess any firearm, except in limited circumstances. A firearm cannot be purchased by a person who has been restrained by a domestic violence order, convicted of a felony, acquitted by reason of insanity, or determined to lack the capacity to stand trial.

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

Prohibited firearms. It is unlawful to manufacture, possess, sell, purchase, or acquire a fully automatic firearm, a short-barrel rifle or shotgun, or certain other firearms; or to manufacture, sell, give away, or possess machine guns, sub-machine guns, or other like weapons, except in limited circumstances.

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

Permits. North Carolina requires a permit, valid for 5 years, to purchase a handgun. A separate permit is required to carry a concealed handgun. A person who may possess a machine gun is required to obtain a permit from the county sheriff.

Background checks. One-hundred county sheriffs are partial points of contact for the NICS and conduct checks on applicants for permits to purchase or carry a handgun. State law allows a sheriff 30 days to decide on a purchase permit application. Licensed dealers in

North Carolina contact the FBI for checks on long gun sales and firearm redemptions. ATF allows handgun purchase and carry permits to be used at the point of sale in lieu of the NICS check. These permits can be used to purchase multiple long guns, but only in a single transaction.

Waiting period. No State requirements.

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

State data. North Carolina maintains fully automated fugitive, criminal history, probation, parole, flagged domestic violence misdemeanor conviction, and motor vehicle data on a statewide network. State law requires prompt entry of all domestic violence orders into the NCIC protection order file. Local mental health records may be accessed manually by checking agencies.

Check processing time. No statewide information is available.

Retention of records. Identifying data from allowed NICS transactions are purged within 90 days. County sheriffs destroy permits and licenses after 10 years; other records are destroyed when their reference value ends.

Registration. No State requirements.

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

Arrests of denied persons. No information is available.

2003/2004 legislation. The statute that makes it unlawful for a person to purchase a firearm while subject to a domestic violence order was amended. A new section provides that a court in certain cases shall order a person subject to a domestic violence order to surrender all firearms, machine guns, and permits to the county sheriff.

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

Source of information. North Carolina State Bureau of Investigation; North Carolina Department of Justice.

Contact. Gene Melvin, Bureau of Investigation, 3320 Garner Road, Raleigh, NC 27626, (919) 662-4509.

North Dakota

FBI conducts NICS checks

Prohibited persons. North Dakota law prohibits ownership, possession, or control of a firearm for a period of 10 years by a person who has been convicted anywhere of a felony involving violence or intimidation, or for a period of 5 years by a person convicted of any other felony or a misdemeanor involving violence or intimidation committed while using a firearm or dangerous weapon. A person who was diagnosed and confined or committed to a hospital or institution in North Dakota or elsewhere as mentally ill or mentally deficient is prohibited from purchasing, possessing, or controlling a firearm except when the person has not suffered from the disability for the previous three years. It is illegal for a handgun or other firearm to be transferred if the transferor knows or has reasonable cause to believe that the transferee is a prohibited person. A handgun cannot be possessed by or transferred to a person under the age of 18, except in limited circumstances.

Restoration of rights. A person who has been convicted of a felony or a disqualifying misdemeanor will regain the right to possess a firearm 5 or 10 years (depending on the type of offense committed) after the date of conviction or the date of release from incarceration or probation, whichever is later.

Prohibited firearms. No person may possess, obtain, receive, sell, or use a short-barreled rifle or shotgun, or purchase, sell, have, or possess a machine gun or fully automatic rifle, unless the person is within one of the limited exceptions.

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

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

Background checks. The State is not a point of contact for the NICS. Licensed firearms dealers in North Dakota contact the FBI for all checks required by the Brady Act. The North Dakota Bureau of Criminal Investigation (BCI) conducts background checks on applicants for concealed weapon licenses. ATF allows a holder of a valid license to purchase a firearm without a new NICS check.

Waiting period. No State requirements.

Purchaser fees. None.

State data. North Dakota maintains partially automated fugitive and criminal history data on a statewide network. Court protection order data are also available. A new automated protection order system is underway to allow electronic entry of records by courts in large jurisdictions.

Check processing time. Not applicable.

Retention of records. Information on persons who are denied a concealed weapon license is retained for 6 years.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm by the FBI may appeal under Federal law. A denial of a concealed weapon license may be appealed to North Dakota district court.

Arrests of denied persons. BCI notifies other agencies of concealed weapon license applicants who have outstanding warrants.

2003/2004 legislation. No significant changes.

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

Source of information. North Dakota Office of the Attorney General, Bureau of Criminal Investigation.

Contact. Judith Volk, Bureau of Criminal Investigation, P.O. Box 1054, Bismarck, ND 58502, (701) 328-5507.

Ohio

FBI conducts NICS checks

Prohibited persons. No person shall knowingly acquire, have, carry, or use any firearm if the person is a fugitive from justice; 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; under adjudication of mental incompetence; committed to a mental institution; subject to hospitalization by court order; or an involuntary patient who is not hospitalized only for observation. It is unlawful to transfer a firearm to a prohibited person. A handgun cannot be transferred to or purchased by a person under 21 years of age. It is unlawful for any type of firearm to be transferred to or purchased by a person 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, and is not otherwise prohibited.

Prohibited firearms. No person shall knowingly acquire, have, carry, or use any dangerous ordnance, which includes any automatic or sawed-off firearm or zip-gun. Certain exceptions are allowed.

Regulated sales. State law does not require background checks on firearm purchasers. Residents of adjacent States may purchase long guns in Ohio unless otherwise prohibited.

Permits. A permit is not required to purchase firearms. A license is required to carry a concealed handgun. A person who is qualified to acquire, possess, carry, or use any automatic or sawed-off firearm or zip-gun must apply to the sheriff of a county or safety director or police chief of a municipality for a license or temporary permit.

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

Waiting period. No State requirements.

Purchaser fees. None.

State data. Ohio maintains automated fugitive, criminal history, domestic violence misdemeanor, probation, and parole data on a statewide network. The Bureau of Criminal Identification and Investigation maintains involuntary commitment data that is accessed only during a check on a concealed handgun license applicant. Domestic violence restraining order data is maintained by counties and entered into the NCIC protection order file.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. A new section authorizes county sheriffs to issue licenses to carry concealed handguns. An amendment expanded the definition of mentally ill persons who cannot acquire, have, carry, or use any firearm. Probate judges and hospital officers are required to send notices of involuntary commitments to the Bureau of Criminal Identification and Investigation for use in conducting concealed handgun license checks.

Relevant laws. Ohio Revised Code 2923.11 et seq.

Source of information. Ohio Office of the Attorney General, Bureau of Criminal Identification and Investigation.

Contact. Lonnie Rudasill, Bureau of Criminal Identification and Investigation, P.O. Box 365, London, OH 43140, (740) 845-2215.

Oklahoma

FBI conducts NICS checks

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

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

Prohibited firearms. It is illegal to possess or control a sawed-off shotgun or a sawed-off rifle, unless the firearm has been registered pursuant to Federal law.

Regulated sales. State law does not require background checks on firearms purchasers. Residents of contiguous States may purchase long guns in Oklahoma unless otherwise prohibited.

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

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

Waiting period. No State requirements.

Purchaser fees. None.

State data. Oklahoma maintains fully automated criminal history data on a statewide network. Domestic violence misdemeanor convictions may be identified in criminal history records by the title of the charging offense. Criminal histories may include dismissals based on insanity or hospital commitments. Involuntary commitment records are searched by the Department of Mental Health during a check on an applicant for a concealed handgun license. Fugitive warrants and domestic violence restraining orders are

entered into NCIC files. The State is currently flagging domestic offense records and increasing automation of court records and restraining order reporting.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. No significant changes.

Relevant laws. Oklahoma Statutes 21-1271.1 et seq.

Source of information. Oklahoma State Bureau of Investigation.

Contact. Rusty Featherstone, Bureau of Investigation, 6600 North Harvey Suite 300, Oklahoma City, OK 73116, (405) 879-2536.

Oregon

State requests NICS checks

Prohibited persons. Oregon law prohibits the knowing possession of a firearm by a person who is under 18 years of age, a juvenile offender, convicted of a felony, committed to the Department of Human Services (DHS), or found to be mentally ill and ordered not to purchase or possess a firearm. It is unlawful to intentionally transfer a firearm to a person who is under 18 years of age, convicted of a felony, named in a felony arrest warrant, free on felony pretrial release, committed to DHS, found to be mentally ill and ordered not to purchase or possess a firearm, or convicted within the previous 4 years of a misdemeanor involving violence (assault in the 4th degree, menacing, reckless endangering, or intimidation in the 2nd degree). Further, it is unlawful to ship, transport, receive, sell, or otherwise furnish a firearm in furtherance of a felony.

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

Prohibited firearms. It is unlawful to knowingly possess a machine gun, short-barreled rifle, or short-barreled shotgun, unless the firearm is registered as required under Federal law.

Regulated sales. State law requires background checks on persons who purchase a firearm from a licensed dealer or at a gun show. A seller who is not subject to these requirements may voluntarily request a background check on a purchaser.

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

Background checks. The Oregon State Police Firearms Unit is a point of contact for the NICS and conducts all checks required by Federal and State law. Licensed dealers call a 1-800 number for the Firearms Unit. Unlicensed sellers may call the 1-800 number or complete a transfer through a dealer. Queries are processed on the purchaser and the weapon being sold; the caller is given a transaction number for an approval or informed that the applicant is denied. An approval number is valid for 24 hours on a private sale or 30 days on a dealer transfer.

Waiting period. No State requirements.

Purchaser fees. A fee of \$9 is charged for a background check by the Firearms Unit.

State data. Oregon maintains criminal history, flagged domestic violence misdemeanor, fugitive, stolen gun, restraining order, and juvenile data on a statewide computer network. A DHS database contains mental illness and commitment information.

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

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

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm may appeal to the State Police Identification Services Section upon submission of fingerprints.

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.

2003/2004 legislation. No significant changes.

Relevant laws. Oregon Revised Statutes 166.170 et seq.

Source of information. Oregon State Police.

Contact. Marie Severson, State Police Firearms Unit, 3772 Portland Road NE, Salem, OR 97303, (503) 378-3070.

Pennsylvania

State requests NICS checks

Prohibited persons. State law prohibits firearm possession by a person who is convicted of an "enumerated offense" or an equivalent offense in another jurisdiction, a fugitive from justice, convicted of certain drug offenses or equivalent offenses in other jurisdictions, convicted of three alcohol-related driving offenses in a 5-year period, adjudicated incompetent or involuntarily committed to a mental institution, an illegal alien, subject to an active protection from abuse order; adjudicated delinquent for certain offenses, or under 18 (with limited exceptions). State records that are prohibiting under Federal law include all convictions for a felony, a misdemeanor 1, a misdemeanor for which a person could have been sentenced to more than 2 years in prison, or a domestic violence misdemeanor conviction as defined by the Lautenberg Amendment.

Restoration of rights. A prohibited person may apply to the court of common pleas in the county of their principal residence for relief from disability under certain conditions (but such relief does not satisfy federal prohibitions). A prohibition based on juvenile records terminates 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier under certain conditions.

Prohibited firearms. It is illegal to sell or possess a machine gun, a sawed-off shotgun with a barrel less than 18 inches, or a firearm made or adapted for concealment or silent discharge, except when in compliance with the National Firearms Act.

Regulated sales. Pennsylvania law requires background checks on persons who purchase any firearms from a licensed dealer and on all private transfers of handguns except those between certain related persons. Private transfers of long guns must comply with Federal law. Handguns cannot be pawned.

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

Background checks. The Pennsylvania State Police (PSP) is a NICS point of contact for checks on sales or redemptions required by Federal and State law. State licensees contact the Pennsylvania Instant Check System (PICS) by using a toll-free number. On average, 55% of checks are handled through automation and an Interactive Voice Response (IVR) component. If a potentially prohibiting record is identified or the buyer is not a State resident, the call is

automatically transferred to a staff operator.

Waiting period. No State requirements.

Purchaser fees. State law requires a fee of \$2 for each background check and a \$3 surcharge for each taxable sale of a firearm.

State data. A statewide network contains automated criminal history, fugitive, protection order, probation, and parole data. Mental health data supplied by county officials are available to PICS staff only to enforce the State firearms act. Updated records from research and denial challenges are kept to eliminate duplicate research on future transactions. A conviction determined to involve domestic violence is flagged and record upgrades will incorporate flagging routines.

Check processing time. Approximately 55% of calls are approved automatically, averaging less than 1.5 minutes. An additional 35% of calls are approved during the initial call with the assistance of an operator. The remaining calls are either denied on the initial call by the operator or held in research for a period not to exceed 15 days.

Retention of records. Information on the subject of a background check is not retained by PICS upon approval of a transaction. PICS retains records on denied persons for 6 months on paper (8 years if a challenge occurs) and 20 years in electronic format.

Registration. No State requirements.

Appeals of denials. A person who is denied by PICS may file a challenge with the PICS Challenge Unit. Subsequent appeals may be filed with the State attorney general and commonwealth court.

Arrests of denied persons. Notice of persons who submit false purchase applications is given to local, State, and Federal (ATF) authorities. If a fugitive is identified at the time of purchase, the local agency with jurisdiction is notified immediately.

2003/2004 legislation. A new section was established under the PA. Vehicle Code for DUI (see table 12).

Relevant laws. Pennsylvania Consolidated Statutes Title 18, Chapter 61 (Uniform Firearms Act).

Source of information. Pennsylvania State Police.

Contact. Lt. Joseph G. Elias, Director, Firearms Division, Bureau of Records & Identification, 1800 Elmerton Ave., Harrisburg, PA 17110, (717) 783-5598.

Rhode Island

FBI conducts NICS checks

State conducts separate checks

Prohibited persons. A firearm shall not be purchased or possessed by a person who is convicted of a crime of violence in Rhode Island or elsewhere, a fugitive from justice, convicted of a domestic violence felony, in community confinement or subject to electronic surveillance or monitoring as a condition of parole, mentally incompetent, a drug addict, an habitual drunkard, or an illegal alien. It is unlawful to sell, transfer, give, or convey a firearm to a person under 18 years of age without consent of a parent or guardian. A person under 18 years of age cannot possess a firearm except in limited circumstances. Handgun purchasers must be 21 years of age and complete a firearm safety course. It is unlawful to sell a handgun to a person under the age of 21 or to a person otherwise prohibited.

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

Prohibited firearms. No person shall manufacture, sell, purchase, or possess a machine gun, or possess or control a sawed-off shotgun or sawed-off rifle unless the person is within one of the limited exceptions.

Regulated sales. State law requires a background check on any person who purchases a firearm. Any citizen of the United States may purchase a long gun in Rhode Island unless otherwise prohibited. A retail dealer of firearms must have a license from a city, town, or political subdivision of the State.

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

Background checks. Thirty-nine local police departments conduct checks on firearms purchasers required by Rhode Island law. Sellers transmit purchase applications by certified mail or in person to the police departments. If a 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 firearms dealers in Rhode Island contact the FBI for all checks required by the Brady Act.

Waiting period. A 7-day waiting period, which begins at noon on the day after an application is filed, is

required for all firearm transfers, regardless of when a background check is completed.

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

State data. Rhode Island maintains automated fugitive, criminal history, probation, parole, restraining order, and flagged domestic violence misdemeanor data on a statewide network. The State is pursuing improved automation of restraining order data.

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

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

Registration. No State requirements.

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

Arrests of denied persons. No information is available.

2003/2004 legislation. No significant changes.

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

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

Contact. William Devine, Department of the Attorney General, Bureau of Criminal Investigation, 150 S. Main, Providence, RI 02903, (401) 274-4400.

South Carolina

FBI conducts NICS checks

Prohibited persons. South Carolina law prohibits handgun sales to or possession by any person who is convicted of a crime of violence in any U.S. jurisdiction, a fugitive from justice, an habitual drunkard, a 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.

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.

Prohibited firearms. It is unlawful, with limited exceptions, for a person to transport, store, keep, possess, sell, rent, or give away a machine gun, military firearm, or sawed-off shotgun or rifle. No licensed retail dealer may hold, store, handle, sell, offer for sale, or otherwise possess a pistol or other handgun with a die-cast, metal alloy frame or receiver which melts at a temperature of less than 800 degrees Fahrenheit.

Regulated sales. Retail dealers of handguns must have a State license. A person who buys a handgun from a licensed dealer must be a South Carolina resident. A resident of any State may purchase a long gun in South Carolina unless otherwise prohibited.

Permits. No permit is required to purchase firearms. The South Carolina Law Enforcement Division (SLED) issues concealed handgun permits and special licenses required for possession, transportation, or sale of machine guns.

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

Waiting period. No State requirements.

Purchaser fees. No State requirements.

State data. South Carolina maintains fully automated fugitive, criminal history, juvenile, and flagged domestic violence misdemeanor data on a statewide network. Domestic violence restraining orders with proper identifiers are entered into the NCIC protection order file.

Check processing time. Not applicable.

Retention of records. SLED retains a copy of every handgun purchase application filed with a State-licensed dealer. Information on persons who are denied a concealed handgun permit is retained indefinitely.

Registration. Every person permitted to possess a machine gun, sawed-off shotgun, or sawed-off rifle must register the firearm with SLED.

Appeals of denials. A person who is denied a firearm by the FBI may appeal under Federal law. A person who is denied a concealed handgun permit may appeal to the Chief of SLED and further to an administrative law judge.

Arrests of denied persons. SLED notifies other agencies of concealed handgun permits applicants who have outstanding warrants.

2003/2004 legislation An amendment deleted the provisions that prohibit a person from purchasing more than one pistol on an application or purchasing more than one pistol during each thirty day period.

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.

Contact. Carlotta Stackhouse, Law Enforcement Division, 4400 Broad River Road, Columbia, SC 29221, (803) 896-7143.

South Dakota

FBI conducts NICS checks

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

Restoration of rights. The right to possess a firearm can be restored through a governor's pardon or the passage of time. A person who was last discharged from prison, jail, probation, or parole for a crime of violence or a felony controlled substances or 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.

Prohibited firearms. It is illegal, with limited exceptions, to knowingly possess a controlled weapon, which includes a machine gun or short shotgun.

Regulated sales. State law does not require background checks on firearms purchasers. A State application is required to purchase a pistol if the purchaser does not have a permit to carry a concealed handgun. Residents of other States may purchase long guns in South Dakota unless otherwise prohibited.

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

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

Waiting period. No seller may deliver a handgun to a purchaser until 48 hours have elapsed from the time of the sale, regardless of when a background check is completed. Holders of valid, concealed handgun permits are exempt from the waiting period.

Purchaser fees. None.

State data. South Dakota maintains fully automated fugitive, criminal history, flagged domestic violence misdemeanor, probation, parole, and protective order data on a statewide network. Criminal histories may contain insanity or incompetent to stand trial dispositions. A driver's history file is available to check for additional data.

Check processing time. Not applicable.

Retention of records. The seller of a pistol shall within six hours send by first class mail or hand deliver the completed application to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident. State law requires chiefs of police and sheriffs to retain their copies of pistol applications for a period of 1 year.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. No significant changes.

Relevant laws. South Dakota Codified Laws, Chapters 22-14 and 23-7.

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

Contact. Robert Grandpre, Attorney General's Office, Division of Criminal Investigation, 500 East Capitol Avenue, Pierre, SD 57501, (605) 773-3331.

Tennessee

State requests NICS checks

Prohibited persons. Tennessee law prohibits the intentional, knowing, or reckless sale, loan, or gift of a firearm to a person who is a minor or intoxicated. A licensed dealer cannot sell a firearm to a person who is addicted to alcohol or ineligible to receive a firearm under 18 U.S.C. 922. A firearm transfer is denied if the buyer was charged with a crime for which a conviction would cause a prohibition under State or Federal law, and the final disposition of the case has not occurred or is not recorded. A handgun cannot be possessed by a person who is convicted of a felony involving the use of force, violence, or a deadly weapon, convicted of a felony drug offense, less than 18 (with limited exceptions), or under the influence of alcohol or any controlled substance.

Restoration of rights. Firearm rights may be regained by a convicted felon who obtains a pardon, a set aside or an expungement of the conviction, or restoration of civil rights by a circuit court. A person convicted of a felony involving use or attempted use of force, violence, or a deadly weapon, or a felony drug offense cannot possess a handgun even if civil rights have been restored.

Prohibited firearms. It is an offense to intentionally or knowingly possess, manufacture, transport, repair, or sell a machine gun or short-barrel rifle or shotgun, except in limited circumstances.

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

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

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

Waiting period. No State requirements.

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, flagged domestic abuse misdemeanor, restraining order, and sex offender data. The

Administrative Office of the Courts recently began to forward not guilty by reason of insanity dispositions to TBI.

Check processing time. Transactions are normally processed in less than 5 minutes or in less than 1 day if additional research is required.

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

Registration. No State requirements.

Appeals of denials. A person who requests reconsideration of a TBI denial is furnished a letter of instructions and an FBI final disposition form, which must be filled out by the arresting agency or clerk of the appropriate court and returned to TBI. For a denial based upon an arrest with no disposition recorded, TBI has 15 calendar days after the applicant appeals to obtain the final disposition. If TBI cannot obtain the disposition, the dealer is notified that the transaction is a "conditional proceed," (neither denied nor approved) and the dealer may lawfully transfer the firearm.

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

2003/2004 legislation. No significant changes.

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

Source of information. Tennessee Bureau of Investigation.

Contact. Jeanne Broadwell, Bureau of Investigation, 901 R.S. Gass Boulevard, Nashville, TN 37216, (615) 744-4208.

Texas

FBI conducts NICS checks

Prohibited persons. Texas law prohibits possession of a firearm by a person who has been convicted of any felony or a Class A misdemeanor involving a member of the person's family or household, and five years have not elapsed since the person's release from confinement or supervision. A firearm cannot be possessed by a person who is subject to certain protective orders. It is unlawful to knowingly transfer a handgun to a person who intends to use it unlawfully or in the commission of an unlawful act, 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 person who has been convicted of any felony or a Class A misdemeanor involving a member of the person's family or household may possess a firearm if five years have elapsed since the person's release from confinement or supervision. A convicted felon with restored rights may only possess a firearm on the premises where the person lives.

Prohibited firearms. It is an offense to intentionally or knowingly possess, manufacture, transport, repair, or sell a machine gun, a short-barrel rifle or shotgun, or a zip gun except in limited circumstances.

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

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

Background checks. The State is not a point of contact for the NICS. Licensed firearms dealers in Texas contact the FBI for all background checks required by the Brady Act. The Texas Department of Public Safety conducts background checks on applicants for concealed handgun licenses. ATF allows a holder of a valid concealed handgun license to purchase a firearm without a new NICS check.

Waiting period. No State requirements.

Purchaser fees. None.

State data. Texas maintains fully automated fugitive, criminal history, flagged domestic violence misdemeanor, protective order, juvenile, probation, and parole data on a statewide network. Court records are manually checked for mental illness dispositions.

Check processing time. Not applicable.

Retention of records. Information on persons who are denied a concealed handgun license is retained indefinitely.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm by the FBI may appeal under Federal law. A denial of a concealed handgun license application may be appealed to justice court.

Arrests of denied persons. No information is available.

2003/2004 legislation. An amendment makes it an offense for a person to possess a firearm while subject to a sexual assault protective order.

Relevant laws. Texas Penal Code 30.06; 42.12; 46.01 et seq; Government Code, Chapter 411, Subchapter H.

Source of information. Texas Department of Public Safety.

Contact. David Gavin, Department of Public Safety, Crime Records Service, P.O. Box 4143, Austin, TX 78765, (512) 424-2077.

Utah

State requests NICS checks

Prohibited persons. A firearm cannot be purchased, transferred, or possessed by a Category 1 or Category 2 restricted person. A Category 1 restricted person has been convicted of a violent felony, is on parole or probation for a felony, is on parole from a secure facility, or has been adjudicated delinquent within the past 10 years for an offense which if committed by an adult would have been a violent felony. A Category 2 restricted person has been convicted of or is under indictment for a felony, has been adjudicated delinquent within the past 7 years for an offense which if committed by an adult would have been a felony, is an unlawful user of a controlled substance, is in possession of a dangerous weapon and a controlled substance, has been found not guilty by reason of insanity or found mentally incompetent to stand trial for a felony, has been adjudicated mentally defective or committed to a mental institution, is an illegal alien, has been dishonorably discharged from the armed forces, or has renounced U.S. citizenship. A minor under 18 cannot possess a handgun, sawed-off rifle or shotgun, or automatic weapon except as provided by Federal law. It is illegal to provide a firearm to a minor who is prohibited or lacks parental consent.

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

Prohibited firearms. None.

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

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

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

Waiting period. No State requirements.

Purchaser fees. BCI charges \$7.50 for a background

check.

State data. Utah maintains automated fugitive, criminal history, flagged domestic abuse misdemeanor, restraining order, adjudicated mentally defective, and motor vehicle data on a statewide network. Criminal histories may include various mental health dispositions.

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

Retention of records. State law allows BCI to retain data on approved transactions for a maximum period of 20 days. Dealer numbers and transaction numbers and dates are maintained for 12 months. Data on denied transactions are retained indefinitely.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm may appeal to BCI and further to the Commissioner of Public Safety. An appeal may also be filed with the FBI or the State that maintains the prohibitory record. A concealed firearm permit denial may be appealed to a State of Utah review board.

Arrests of denied persons. A person who submits false information on an application or has an outstanding warrant is reported by BCI to the agency with jurisdiction over the location of the dealer. Federal offenders are reported to ATF.

2003/2004 legislation. Amendments modified the information required from a concealed firearm permit applicant, made Utah law consistent with federal law regarding the purchase of firearms, and required that only one photo identification rather than two be presented by a purchase applicant.

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

Source of information. Utah Bureau of Criminal Identification.

Contact. Joyce Carter, Bureau of Criminal Identification, 4501 South 2700 West, Salt Lake City, UT 84119, (801) 965-3810.

Vermont

FBI conducts NICS checks

Prohibited persons. Vermont law prohibits a person, firm, or corporation, other than a parent or guardian, from selling or furnishing a firearm to a minor under the age of 16 years. (An instructor or a teacher may furnish firearms to pupils for instruction and drill.) A handgun cannot be possessed or controlled by a child under the age of 16 years without the consent of a parent or guardian.

Restoration of rights. No State requirements.

Prohibited firearms. A person who possesses, sells, or offers for sale a zip gun shall be imprisoned or fined or both.

Regulated sales. Vermont does not require background checks on firearms purchasers. Residents of contiguous States may purchase long guns in Vermont unless otherwise prohibited.

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

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

Waiting period. No State requirements.

Purchaser fees. No State requirements.

State data. The State of Vermont maintains automated information on criminal histories, fugitives from justice, abuse prevention orders, probation, and parole. Domestic violence misdemeanor convictions are flagged within criminal history records. Insanity dispositions may also be included in criminal histories.

Check processing time. Not applicable.

Retention of records. State agencies are not required to retain any firearm transaction records. Firearm dealers are required to retain sales records for 6 years.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. No significant changes.

Relevant laws. Vermont Statutes 13-4001 et seq.

Source of information. Vermont Department of Public Safety; Newport City Police Department.

Contact. J. Paul Duquette, Newport City Police Department, 222 Main Street, Newport, VT 05855, (802) 334-6733.

Virginia

State requests NICS checks

Prohibited persons. Virginia law prohibits: possession of a firearm by a person who is acquitted of certain offenses by reason of insanity; purchase or possession of a firearm by a person who has been adjudicated incompetent or incapacitated, or involuntarily committed; purchase of a firearm by a person who is subject to a protective order; purchase of a handgun by certain persons who have been convicted of two misdemeanor drug offenses within 36 months; possession of a firearm by a person who has been convicted of a felony or found guilty as a juvenile of a delinquent act which would be a felony if committed by an adult; possession of an assault firearm by a person who is not a U.S. citizen or lawfully admitted for permanent residence; and possession of a handgun or an assault firearm by a person under 18 years of age.

Restoration of rights. The governor may grant a pardon or removal of political disabilities to a person who committed a felony or a 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.

Prohibited firearms. It is unlawful to possess a sawed-off shotgun or rifle (except for limited purposes), or to sell, transfer, or possess a plastic firearm or certain semi-automatic shotguns.

Regulated sales. State law requires background checks on persons who purchase firearms from licensed dealers. Virginia residents may purchase firearms upon proof of residency in the State for at least 30 days. A person cannot purchase more than one handgun in a 30-day period unless authorized by the State Police, or specifically exempted by State law.

Permits. A permit is not required to purchase a firearm. A permit issued by a circuit court is needed to carry a concealed handgun. The Virginia State Police (VSP) is the issuing agency for nonresident concealed handgun permits.

Background checks. 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.

Purchaser fees. VSP charges \$2 for a check on a Virginia resident and \$5 for a nonresident.

State data. Virginia maintains fully automated criminal history, fugitive, juvenile, mental health, protective order, flagged domestic violence misdemeanor, drug user, and misdemeanor drug convictions data. A calendar file is maintained for handgun purchases. Criminal histories may include various mental health dispositions. In December 2003, mental health records were made available to the NICS on a real-time basis, and Virginia non-fingerprint supported criminal history data and other prohibiting records not indexed in the Interstate Identification Index were uploaded to the NICS Denied Persons File.

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

Retention of records. Data on approved transactions may be retained for no more than 30 days. 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. Machine guns are registered.

Appeals of denials. A person who is denied a firearm may request correction of a criminal history record or appeal to the VSP, or institute a civil action within 30 days of such denial.

Arrests of denied persons. VSP arrests all persons denied because of an outstanding warrant and arrests persons who submit false information in some cases. Using set criteria, VSP, in conjunction with commonwealth attorneys, decides which denied persons should be prosecuted under Virginia law.

2003/2004 legislation. Amendments revised definitions, allowed additional exceptions to the handgun purchase restriction, provided for the issuance of nonresident concealed handgun permits, and abolished provisions regulating sales and purchases in contiguous States.

Relevant laws. Code of Va. Title 18.2, Ch. 7, Art. 7.

Source of information. Virginia State Police.

Contact. Donna Tate, State Police Firearms Transaction Center, P.O. Box 85608, Richmond, VA 23285-5608, (804) 674-2210.

Washington

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. State law prohibits ownership, possession, or control of a firearm by a person who is convicted of or adjudicated in juvenile court for a serious offense, felony, or misdemeanor as specified by statute; involuntarily committed for mental health treatment; under 18 years of age; or free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense. Offenders under the supervision of the department of corrections shall not own, use, or possess firearms. A person at least 18 but less than 21 may possess a handgun only in certain places. State law allows permissible firearms for children under 18 years of age for events such as hunting or trapping under a valid license, target shooting or practicing at an established range, or an organized competition.

Restoration of rights. An offender's right to possess firearms may be restored by a court of record or a governor's pardon. A convicted felon who has no prior violation and no subsequent violation for any offense for 5 years (3 years if convicted of a non-felony offense) after completing a sentence may petition the court of record for restoration. Certain offenders are not eligible for restoration.

Prohibited firearms. It is unlawful, with limited exceptions, for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control any machine gun, short-barreled shotgun, or short-barreled rifle.

Regulated sales. State law requires background checks on persons who purchase handguns from licensed dealers. Residents of other States may purchase long guns in Washington unless otherwise prohibited. A firearms dealer is required to have a State license.

Permits. A license is required to carry a concealed handgun. An alien lawfully present in the U.S. must obtain a license to possess or carry any firearm.

Background checks. Handgun purchase applicants are checked by 291 sheriffs and police departments that are partial points of contact for the NICS. Applications are received from dealers in person, by fax, or by regular or certified mail. A handgun may be delivered to the purchaser when the dealer is notified of an approval or after 5 business days have elapsed. The time allowed for a check may be extended up to 30 days when an applicant's record lacks certain

dispositions, or up to 60 days for a person who is a new Washington resident or lacks required identification. Licensed dealers contact the FBI for checks required by the Brady Act on persons who purchase long guns or redeem pawned firearms.

Waiting period. No State requirements.

Purchaser fees. None.

State data. A statewide network maintains automated fugitive, criminal history, restraining order, and flagged domestic violence misdemeanor data. Some juvenile data are also available. Checking agencies request involuntary commitment data from the Department of Social and Health Services by letter, telephone, or e-mail. Criminal histories may include insanity or incompetent to stand trial dispositions. Beginning in July 2004, involuntary commitment data will be sent to the NICS Index.

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

Retention of records. State law provides that a checking agency shall retain or destroy handgun purchase applications in accord with 18 U.S.C. 922. Identifying data from allowed NICS transactions are purged within 24 hours. Denied applications are retained indefinitely. The department of licensing may keep copies or records of handgun purchase applications. Dealers retain copies of applications for 6 years.

Registration. No State requirements.

Appeals of denials. A person who is denied a handgun purchase may appeal to superior court or directly to the FBI.

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

2003/2004 legislation. No significant changes.

Relevant laws. WA. Revised Code 9.41.010 et seq.

Source of information. Washington State Patrol.

Contact. Ms. Mary Neff, Washington State Patrol Criminal History Section, P.O. Box 42619, Olympia, WA 98504, (360) 570-5230.

West Virginia

FBI conducts NICS checks

Prohibited persons. West Virginia law prohibits possession of a firearm by a person who is convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, addicted to alcohol, an unlawful user of or addicted to any controlled substance, adjudicated as a mental defective or committed involuntarily to a mental institution, an illegal alien, dishonorably discharged from the armed forces, subject to a domestic violence protective order, convicted in any court of a misdemeanor crime of domestic violence, or a minor under the age of 18 (except in limited circumstances). It is illegal to sell, rent, give, or lend a firearm to a prohibited person.

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

Prohibited firearms. It is unlawful for any person to carry, transport, or possess any machine gun or submachine gun or any other fully automatic weapon, except in compliance with Federal law.

Regulated sales. West Virginia does not require background checks on firearms purchasers.

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

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

Waiting period. No State requirements.

Purchaser fees. No State requirements.

State data. West Virginia maintains fully automated fugitive and criminal history data on a statewide network. Domestic violence misdemeanor convictions may be found within criminal history records. A registry of domestic violence protective orders is being developed.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

2003/2004 legislation. No significant changes.

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

Source of information. West Virginia State Police.

Contact. Thomas A. Barrick, Department of State Police, 725 Jefferson Road, South Charleston, WV 25309, (304) 746-2177.

Wisconsin

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. State law prohibits firearm possession by or transfer to a person who has been convicted of a felony in Wisconsin or of a similar crime elsewhere, adjudicated delinquent for an act that would be a felony if committed by an adult, found not guilty of a felony in Wisconsin or of a similar offense in another jurisdiction by reason of mental disease or defect, committed for treatment and ordered not to possess a firearm, enjoined or ordered not to possess a firearm under a domestic violence injunction, or is under 18 years of age (except in limited circumstances).

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 as a juvenile (after April 1994) may regain firearm rights if the court determines that the offender is not likely to act in a manner dangerous to public safety.

Prohibited firearms. No person, with limited exceptions, may sell, possess, use, or transport any machine gun or other fully automatic weapon, or sell, offer to sell, transport, purchase, or possess a short-barreled shotgun or short-barreled rifle.

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

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

Background checks. The Wisconsin Department of Justice (DOJ) is a point of contact for the NICS and conducts checks on handgun purchasers required by Federal and State law. Licensed firearms dealers request instant checks by using a 1-800 number to contact DOJ. State law requires that a check be completed before 48 hours have expired; however, the time limit can be extended by 3 days for felony charges with no recorded disposition. Dealers contact the FBI for checks required by the Brady Act on persons who purchase a long gun or redeem a pawned firearm.

Waiting period. A 48-hour waiting period is required for handgun sales regardless of when a check is completed. The waiting period begins when DOJ acknowledges receipt of purchaser information from a dealer.

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

State data. A statewide network maintains fully automated fugitive, criminal history, juvenile, involuntary commitment, restraining order, and flagged domestic violence misdemeanor data. Probation and parole files are kept manually.

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

Retention of records. State law requires that DOJ destroy all records from approved transactions within 30 days. Data from denied transactions are retained indefinitely.

Registration. No State requirements.

Appeals of denials. A person who is denied a handgun may appeal first to the DOJ Crime Information Bureau and then to the Administrator of the Division of Law Enforcement Services. A further appeal may be filed in State court.

Arrests of denied persons. DOJ reports denied persons to ATF, the Wisconsin Department of Investigation, local police, district attorneys, and the U.S. Attorney's Office.

2003/2004 legislation. No significant changes.

Relevant laws. Wisconsin Statutes 175.30; 175.35; 941.20 et seq; 948.60.

Source of information. Wisconsin Department of Justice.

Contact. Mary Sturdevant, Department of Justice Criminal Information Bureau, P.O. Box 2718, Madison, WI 53701, (608) 267-2776.

Wyoming

FBI conducts NICS checks

Prohibited persons. Wyoming law prohibits knowing possession of a firearm by a person who has previously pleaded guilty to or been convicted of committing or attempting to commit a violent felony or a felony of causing bodily injury to a peace officer, and has not been pardoned.

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

Prohibited firearms. None.

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 firearms dealers in Wyoming contact the FBI for all checks required by the Brady Act. The Wyoming Attorney General's Division of Criminal Investigation conducts background checks on applicants for concealed weapon licenses, after receiving applications from county sheriffs. ATF allows a holder of a valid concealed weapon license to purchase a firearm without a new NICS check.

Waiting period. No State requirements.

Purchaser fees. No State requirements.

State data. A statewide network maintains fully automated records of criminal histories and fugitives who are wanted in felony or misdemeanor warrants. Misdemeanor convictions for domestic violence offenses are flagged within criminal history records. Domestic violence restraining orders are entered into State and NCIC protection order files. Wyoming is planning an interface between the court system, the State file, and NCIC for automated entry of restraining orders.

Check processing time. Not applicable.

Retention of records. Information on persons who are denied a concealed weapon license is retained indefinitely.

Registration. No State requirements.

Appeals of denials. A person who is denied a firearm by the FBI may appeal pursuant to Federal law. A person who is denied a concealed weapon license may submit additional documents and request reconsideration by the Attorney General.

Arrests of denied persons. No information is available.

2003/2004 legislation. The statutes that allowed a resident of a contiguous State to purchase a long gun in Wyoming and allowed a Wyoming resident to purchase a long gun in a contiguous State were repealed.

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

Source of information. Wyoming Attorney General, Division of Criminal Investigation.

Contact. James M. Wilson, Division of Criminal Investigation, 316 West 22nd Street, Cheyenne, WY 82002, (307) 777-7181.

American Samoa

Territory requests NICS checks and conducts separate checks

Prohibited persons. The Territory of American Samoa does not allow handguns on the island. Police officers are not required to carry firearms in the performance of their normal duties. However, police officers are authorized by statute to carry firearms, providing they have completed firearms training and are certified by a competent authority. A person's baggage is checked for firearms upon arrival. Shotguns of various gauges and .22-caliber rifles are allowed. It is unlawful to transfer a firearm to a person who is prohibited from possession, less than 18 years old (except in limited circumstances) or intoxicated. A firearm cannot be possessed by a person who has been convicted of or confined for a dangerous felony in the territory or elsewhere during the preceding 5 years, or who is a fugitive from justice, an habitual drunkard, a drug addict, or currently adjudged mentally incompetent.

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

Prohibited firearms. It is unlawful to knowingly possess, manufacture, transport, repair, or sell a machine gun, a short barreled rifle or shotgun, or any other firearm for which a valid license from the commissioner of public safety has not been obtained. (Exceptions to these prohibitions are stated in the prohibited weapons statute.)

Regulated sales. Territorial licensing requirements apply to all transfers of legal firearms.

Permits. A license is required to possess, import, or sell firearms. Each license issued shall specify the number, quantity, and description of the arms which may be possessed, imported, or sold, or otherwise transferred. A license to possess must be renewed every year and must be in the licensee's possession when carrying such arms.

Background checks. The background checks required by American Samoa law on purchasers of shotguns and .22-caliber rifles are performed by the territorial police, after the owner brings in the sales receipt and the weapon. The police conduct the checks and issue licenses. The process includes checking NCIC through the American Samoa Office of Territorial and International Criminal Intelligence and Drug Enforcement (OTICIDE), as well as checking with

police departments on neighboring islands. OTICIDE conducts NICS checks for the territory.

Waiting period. No requirements.

Purchaser fees. A fee of \$2 is charged by the police for first time license applicants, and \$2 is charged for renewal of a license. The late registration fee is \$2.

State data. Information is maintained manually.

Check processing time. No information is available.

Retention of records. License records are retained in accordance with territorial statutes of limitation or as long as a licensee is in possession of firearms.

Registration. Legal firearms are marked with such letters as may be designated by the commissioner of public safety and also marked with a number indicating the order of the license and registration as specified in the license, unless the arm has a plainly visible and distinctive serial number stamped on it.

Appeals of denials. An appeal of a license denial may be addressed to the attorney general.

Arrests of denied persons. No information is available.

Relevant laws. American Samoa Code Annotated 46.4201 et seq.

Source of information. American Samoa Office of Territorial and International Criminal Intelligence and Drug Enforcement (OTICIDE).

Contact. Jacinta Brown, O.T.I.C.I.D.E., P.O. Box 4567, Pago Pago, AS 96799, (684) 633-2827.

Guam

FBI conducts NICS checks

Territory conducts separate checks

Prohibited persons. Guam law prohibits issuing a firearms identification card to a person who is a convicted felon, not a resident of the territory, adjudicated incompetent, subject to a physical or mental disease which would adversely affect the safe use of the firearm, under the age of 18 years old, convicted of a drug offense, knowingly subject to a restraining order from a current or former intimate partner, under an indictment or information for any felony offense, arrested for or convicted of a family violence offense, arrested or convicted in any case where personal injury resulted from the offense, or arrested for or convicted of offenses where a firearm was an element or factor of the offense.

Restoration of rights. A convicted felon's right to receive a firearms identification card cannot be restored. A person convicted of a misdemeanor where a firearm was an element or factor of the offense or where personal injury resulted from the offense may have rights restored 10 years from the judgment date.

Prohibited firearms. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, submachine guns, automatic guns, pre-banned and post-banned weapons, or certain short firearms is prohibited.

Regulated sales. All transfers of lawful firearms, except for temporary transfers at shooting galleries, require that the person transferring or receiving the firearm holds a current identification card. All weapons must be safety inspected by the Guam Police Department's Armory Section. Both parties must appear at the Armory and Record and ID Sections to conduct a transfer.

Permits. A valid identification card is required to own, possess, use, carry, acquire, or transfer any lawful firearm. The permit is renewed tri-annually on the holder's birthday.

Background checks. The Guam Police Department (GPD) fingerprints all applicants for a firearm identification background check and submits the prints to the Superior Court of Guam, which conducts the State Identifications Bureau checks for the Territory. NICS checks for the Territory are conducted by the FBI. Military personnel with top secret or secret clearance have the option to waive fees by providing a copy of their clearance. First-time applications and renewals past 10 years require a check.

Waiting period. New applicants must wait until check results are received by GPD (about 30 days). The waiting period is waived for military personnel with a top secret or secret clearance. Renewal applicants have no waiting period if they do not have a criminal case or restraining order that prevents renewal.

Purchaser fees. First-time applicants are charged \$24 by the Superior Court for the FBI background information fee. GPD charges \$10 for fingerprinting in order to obtain the background information. When the application is approved, the applicant is charged \$15 for the identification card (renewable every 3 years). There is a \$20 fee for permanent registration of each firearm.

State data. Guam agencies maintain fugitive, criminal history, and mental health data.

Check processing time. For first time applicants, the processing time is approximately 4 to 6 weeks.

Retention of records. GPD retains all identifications indefinitely and all applications received since 1998 are maintained indefinitely.

Registration. All weapons must be accompanied by either an authorized gun dealer receipt, shipped household goods declaration or a customs declaration sheet and an inspection sheet from the GPD armorer prior to registering a weapon at the GPD Records and ID Section. A transfer from one person to another requires that both parties be present at the Armory and Records Sections. All transfers require a new registration.

Appeals of denials. Territorial law does not provide a procedure for appealing an identification denial. Judgments from Superior Court or U.S. District Court of Guam may reinstate the privilege to own a weapon.

Arrests of denied persons. A person in possession of a weapon without a valid firearms identification card is in violation of Guam law and may be arrested.

Relevant laws. 10 G.C.A., Chapter 60: Firearms.

Source of information. Guam Police Department.

Contact. Karen Guerrero, Police Department Records and ID Section, P.O. Box 23909, GMF, Bamgada, GU 96921, (671) 475-8498.

Puerto Rico

FBI conducts NICS checks

Commonwealth conducts separate checks

Prohibited persons. The Superintendent of Police of Puerto Rico shall not issue 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, aggravated misappropriation, arson, aggravated arson, or incest. In addition, a license cannot be issued to any person who is mentally unbalanced, an habitual drunkard, addicted to a controlled substance, or an alien, or who has been a citizen of the United States and renounced such citizenship, adjudicated as a mental defective by a court, or discharged from the armed forces under dishonorable conditions, or is under a court order prohibiting stalking, spying, threatening, or approaching an intimate partner or children of an intimate partner, or has a history of violence or aggravated mistreatment.

Restoration of rights. No regulations cover restoration of rights.

Prohibited firearms. It is unlawful to sell or keep for sale, or offer, give, lease or otherwise dispose of or transport any automatic firearm, or to possess a machine gun, carbine, rifle, sawed-off shotgun or any other modification of these, or any other firearm that may be fired automatically.

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.

Permits. A license is required 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. Federally-licensed dealers contact the FBI for all checks required by the Brady Act.

Waiting period. The waiting period for the license evaluation process may be from 5 to 120 days.

Purchaser fees. Commonwealth law requires that every application shall be accompanied by an internal voucher for \$100.

State data. The police department maintains an electronic registry. The Commonwealth has an automated criminal history repository.

Check processing time. The background check process can take from 4 months to more than 6 months.

Retention of records. Approved applications are retained by the police for a maximum period of 130 days.

Registration. Every firearm sold is registered with the Superintendent of Police.

Appeals of denials. A license denial can be appealed under the uniform administrative procedures of the commonwealth.

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; Law No. 54 of August 15, 1989; Law No. 284 of August 21, 1999; Law No. 404 of March 1, 2001; Law No. 177 of August 1, 2003.

Source of information. Department of Justice.

Contact. Julio L. Rosa, Department of Justice, Statistical Analysis Center, P.O. Box 9020192, San Juan, PR 00902-0192, (787) 729-2484.

Virgin Islands

FBI conducts NICS checks Territory conducts separate checks

Prohibited persons. Virgin Islands law provides that a license to have and possess a firearm cannot be issued to a person who has been convicted in or outside the territory of a crime of violence, a drug law violation, or a firearms law violation, or is mentally incompetent, an habitual drunkard, a drug addict, or deemed to be an improper person by the police. A firearm cannot be sold or furnished to a minor except in limited circumstances.

Restoration of rights. No information is available.

Prohibited firearms. It is an offense, unless otherwise authorized by law, to have, possess, bear, transport, or carry any machine gun or sawed-off shotgun.

Regulated sales. Licensing requirements apply to all firearm sales.

Permits. A license is required to possess, transport, or carry a firearm. A purchase coupon is issued to a license applicant when the application is approved. The weapon purchased is brought in to the firearms unit of the Virgin Islands Police Department. Information about the weapon is recorded and listed on the license issued to the applicant.

Background checks. License applications require a background check by the Virgin Islands Police Department, which includes contacting the FBI for a NICS check. The applicant completes and returns a notarized application. If no problems are found during the check, the information is forwarded to the Police Commissioner, who approves or disapproves the application. A purchase coupon takes the place of a NICS check at the point of sale.

Waiting period. Firearm transfers require a 48-hour waiting period, regardless of when a background check is completed.

Purchaser fees. The Virgin Islands charges a \$5 application fee, a \$50 registration fee per weapon, and a \$15 late registration fee. The renewal fee is \$30 per weapon. New photographs are required with each renewal.

State data. The territory maintains manual criminal history information.

Check processing time. No information is available.

Retention of records. No information is available.

Registration. After purchase, the bill of sale and the weapon are brought to the police, who record all pertinent information.

Appeals of denials. A person who is denied a firearm license may appeal to territorial court.

Arrests of denied persons. No information is available.

Relevant laws. Virgin Islands Code 14-2253; 23-451 et seq.

Source of information. Virgin Islands Police Department.

Contact. Anthenia Brown, Police Department, Alexander Farrelly Justice Complex, Charlotte Amalie, St. Thomas, VI 00802, (340) 774-2211.

Washington, D.C.

FBI conducts NICS checks

District conducts separate checks

Prohibited persons. A registration certificate for a legal firearm cannot be issued to a person who is under 18 years of age (those between the ages of 18 and 21 need a notarized statement from a parent or guardian), convicted of or under indictment for a crime of violence or a weapons offense, convicted of an offense involving drugs, assaults, or threats, acquitted by reason of insanity, adjudicated a chronic alcoholic, committed to a mental hospital, suffering from a physical defect and unable to use a firearm safely, adjudicated negligent in a firearm mishap causing death or serious injury, or otherwise ineligible under District law. Registration applicants are required to demonstrate adequate vision and pass a written test evidencing satisfactory knowledge of district firearm laws.

Restoration of rights. Persons convicted of misdemeanor offenses involving drugs, certain assaults, or threats, and certain other prohibited persons may be allowed to register a firearm after a 5-year disqualification.

Prohibited firearms. A registration certificate shall not be issued for a sawed-off shotgun, machine gun, short-barreled rifle, or handgun not validly registered prior to September 24, 1976. Handguns cannot be purchased, except by law enforcement officers, retired District police officers, military personnel, licensed dealers, and organizations employing at least one commissioned special police officer or employee licensed to carry a firearm (where the handgun is used solely during the employee's duty hours).

Regulated sales. Private individuals may only sell or transfer registered firearms and ammunition to a licensed dealer in the District, and may only purchase long guns in person from a licensed dealer. Delivery of a firearm to a District resident will be withheld until a registration certificate is issued by the Metropolitan Police Department.

Permits. A valid registration certificate is required for possession or transfer of any firearm.

Background checks. The Chief of Police conducts background checks and issues registration certificates. The District is not a point of contact for the NICS. Licensed firearms dealers contact the FBI for all checks required by the Brady Act.

Waiting period. No requirements.

Purchaser fees. The fingerprint fee is \$35 and the firearms registration fee is \$13.

State data. Criminal history records are partially automated and include domestic violence misdemeanor convictions and restraining order data. Mental health records are checked if a registration applicant indicates a commitment.

Check processing time. A background check is processed in approximately 6 to 8 weeks.

Retention of records. No information is available.

Registration. All handguns owned prior to September 24, 1976 were required to be registered on or before November 22, 1976. Long guns acquired after September 24, 1976 must also be registered.

Appeals of denials. Registration denials and revocations may be appealed to the Police Department. Evidence supporting reconsideration must be submitted otherwise the denial or revocation will be upheld. A police decision may be appealed to the District of Columbia Court of Appeals. In the event of a final unfavorable decision, the applicant or registrant must lawfully dispose of the firearm.

Arrests of denied persons. A violation of the District's firearms control act may result in a \$1,000 fine or 1 year in jail, or both.

Relevant laws. District of Columbia Code 2001, Title 7, Chapter 25; Firearms Control Act of 1975.

Source of information. District of Columbia Metropolitan Police Department; United States Attorney's Office.

Contact. Dean Welch, Metropolitan Police Department Registration Unit, P.O. Box 1606, Washington, D.C. 20013, (202) 442-4247.

Table 1. Applications for firearm transfers and permits processed by States, 2003

State	Firearm transfer applications ^a			Purchase or carry permit applications ^b		
	Received	Rejected	Rejection rate	Received	Rejected	Rejection rate
Alaska	---	---	---	3,036	17	0.6%
Arizona	---	---	---	21,319	39	0.2%
Arkansas	---	---	---	4,187	46	1.1%
California	290,376	3,028	1.0%	---	---	---
Colorado	141,617	4,881	3.4%	---	---	---
Connecticut	57,585	170	0.3%	---	---	---
Delaware	9,546	301	3.2%	---	---	---
Florida	276,130	6,004	2.2%	---	---	---
Georgia	192,158	3,272	1.7%	---	---	---
Hawaii	---	---	---	6,792	114	1.7%
Illinois	154,641	1,094	0.7%	234,667	6,819	2.9%
Indiana	---	---	---	76,110	1,455	1.9%
Maryland	23,897	457	1.9%	---	---	---
Minnesota	---	---	---	15,873	196	1.2%
Nevada	48,023	982	2.0%	---	---	---
New Hampshire	12,969	149	1.1%	---	---	---
New Jersey	37,409	141	0.4%	46,144	910	2.0%
North Dakota	---	---	---	2,415	5	0.2%
Oregon	123,167	2,532	2.1%	---	---	---
South Carolina	---	---	---	9,503	343	3.6%
Tennessee	202,063	7,921	3.9%	---	---	---
Utah	64,844	1,736	2.7%	7,428	102	1.4%
Virginia	195,308	2,142	1.1%	---	---	---
Wisconsin	32,497	530	1.6%	---	---	---
Wyoming	---	---	---	1,207	36	3.0%

Note: Counts are from agencies that reported complete statewide data for the entire period. Hawaii, Minnesota, and New Jersey permits are issued locally but counts are reported by a State agency. ---Not applicable or data not available

^aCounts include all types of firearms except those for New Hampshire and Wisconsin (handguns only); States listed use instant check except for California and Maryland, which have "other approval" systems.

^bCounts are for carry permits that may waive a purchase check, except for Hawaii (permits to acquire), Illinois (identification cards), and New Jersey (identification cards and handgun permits).

Source: Background Checks for Firearm Transfers, 2003, September 2004, NCJ 204428.

Table 1a. Applications for firearm permits processed by local agencies, grouped by population level of community served, 2003

Population level ^a	Purchase permit applications			Number of Agencies	Number of States
	Received	Rejected	Rejection rate		
Small	14,132	123	0.9%	215	9
Medium	69,224	1,038	1.5%	210	9
Large	49,250	1,440	2.9%	33	9
	Exempt carry permit applications				
Small	4,358	27	0.6%	61	7
Medium	27,669	347	1.3%	135	7
Large	18,429	320	1.7%	20	6

Note: Counts are from agencies that provided data.

^aBased on populations of communities served by checking agencies: under 10,000 (small); 10,000 to 100,000 (medium); over 100,000 (large).

Table 2. Prohibited persons: statutory basis for denial of firearm sale or possession, June 30, 2004

Jurisdiction	Felony ^a	Misdemeanor ^a	Fugitive	Mental illness ^b	Restraining order	Drug abuse ^c	Alcohol abuse ^c	Minor underage	Juvenile offense	Aliens ^d
Federal	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	---
Colorado	X	---	---	---	---	---	---	X	X	---
Connecticut	X	X	---	X	X	---	---	X	X	X
Delaware	X	X	---	X	X	X	X	X	X	---
Florida	X	X	---	X	X	X	X	X	X	---
Georgia	X	---	---	X	---	---	---	X	X	---
Hawaii	X	X	X	X	X	X	X	X	X	X
Idaho	X	---	---	---	---	---	---	X	---	---
Illinois	X	X	---	X	X	X	---	X	X	X
Indiana	X	X	---	X	X	X	X	X	X	---
Iowa	X	X	---	X	---	X	X	X	X	---
Kansas	X	---	---	---	---	X	---	X	X	---
Kentucky	X	---	---	---	---	---	---	X	X	---
Louisiana	X	X	---	---	---	---	---	X	---	---
Maine	X	---	---	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	X	---	X	---	X	---	X
New Hampshire	X	---	---	---	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	X	---
Pennsylvania	X	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	---	---
South Dakota	X	---	---	---	---	X	---	X	---	---
Tennessee	X	---	---	---	---	X	X	X	---	---
Texas	X	X	---	---	X	X	X	X	---	---
Utah	X	---	---	X	---	X	---	X	X	X
Vermont	---	---	---	---	---	---	---	X	---	---
Virginia	X	X	---	X	X	X	---	X	X	X
Washington	X	X	---	X	---	X	---	X	X	---
West Virginia	X	X	---	X	X	X	X	X	---	X
Wisconsin	X	---	---	X	X	---	---	X	X	---
Wyoming	X	---	---	---	---	---	---	---	---	---
State totals	49	23	13	34	20	30	20	49	27	14

Notes: Does not include State laws that incorporate Federal prohibitions. Types of firearms covered by statutes varies.

^aGenerally, felony has penalty of 1 year sentence or more, misdemeanor less than 1 year; 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 a substance or intoxicated at time of purchase.

^dIncludes laws that require U.S. citizenship or prohibit some or all aliens.

Table 3. Minors: restrictions based on age or juvenile offender status, June 30, 2004

Jurisdiction	Minimum age: unrestricted possession and purchase ^a			Juvenile offenders restricted ^b			
	Handgun	Long Gun	Statute	Handgun	Long Gun	Statute	
Federal	21	18	18:922(b), (x)	---	---	----	Federal
Alabama	18	---	13A-11-76	---	---	----	Alabama
Alaska	18	18	11-61-210, 220	X	---	11-61-200	Alaska
Arizona	18	18	13-3109	X	X	13-3101	Arizona
Arkansas	18	18	5-73-119	---	---	----	Arkansas
California	21	18	PC 12072(a),(b)	X	X	PC 12021(e)	California
Colorado	18	18	8-12-108.5, 108.7	X	X	18-12-108	Colorado
Connecticut	21	18	29-34, 36f	X	X	53a-217	Connecticut
Delaware	21	18	11-1445; 24-903	X	X	11-1448	Delaware
Florida	18	18	790.17	X	X	790.23	Florida
Georgia	18	---	16-11-132	X	---	16-11-132	Georgia
Hawaii	21	18	134-4	X	X	134-7(d)	Hawaii
Idaho	18	18	18-3302A	---	---	----	Idaho
Illinois	21	21	430:65/8	X	X	430:65/8	Illinois
Indiana	18	18	35-47-2-7	X	---	35-47-2-7	Indiana
Iowa	21	18	724.15, 724.22	X	X	724.26	Iowa
Kansas	18	---	21-4204a	X	X	21-4204	Kansas
Kentucky	18	---	527.1	X	X	527.04	Kentucky
Louisiana	18	---	14:91; 14:95.8	---	---	----	Louisiana
Maine	21	16	17:554-A, B, C	X	X	15:393(1)	Maine
Maryland	21	18	PS 5-133, 134	X	---	PS 5-133, 134	Maryland
Massachusetts	21	18	140:130	X	X	140:129B	Massachusetts
Michigan	21	18	28.422; 750.223	---	---	----	Michigan
Minnesota	18	18	624.713	X	X	624.713	Minnesota
Mississippi	18	18	97-37-13, 14	---	---	----	Mississippi
Missouri	21	18	571.090.1	---	---	----	Missouri
Montana	14	14	45-8-344	---	---	----	Montana
Nebraska	21	---	28-1204, 69-2404	---	---	----	Nebraska
Nevada	18	18	202.300, 310	---	---	----	Nevada
New Hampshire	18	---	159:12	---	---	----	New Hampshire
New Jersey	21	18	1C:58-3, 2C:58-6.1	X	X	2C:58-3	New Jersey
New Mexico	19	---	30-7-2.2	---	---	----	New Mexico
New York	21	16	PL 265.05; 400.00	---	---	----	New York
North Carolina	18	12	14-269.7	---	---	----	North Carolina
North Dakota	18	---	62.1-02-01	---	---	----	North Dakota
Ohio	21	18	2923.21	X	X	2923.13(A)	Ohio
Oklahoma	18	18	21:1273	X	X	21:1289.12	Oklahoma
Oregon	18	18	166.470	X	X	166.250	Oregon
Pennsylvania	18	18	18:6110.1	X	X	18:6105(c)	Pennsylvania
Rhode Island	21	18	11-47-30 et seq.	---	---	----	Rhode Island
South Carolina	21	---	16-23-30	---	---	----	South Carolina
South Dakota	18	---	23-7-44, 46	---	---	----	South Dakota
Tennessee	18	18	39-17-1303, 1319	---	---	----	Tennessee
Texas	18	18	PC 46.06	---	---	----	Texas
Utah	18	18	76-10-509 et seq.	X	X	76-10-503	Utah
Vermont	16	16	13:4008	---	---	----	Vermont
Virginia	18	18	18.2-308.7	X	X	18.2-308.2	Virginia
Washington	21	18	9.41.040; 9.41.240	X	X	9.41.040	Washington
West Virginia	18	18	61-7-8	---	---	----	West Virginia
Wisconsin	18	18	948.60	X	X	941.29	Wisconsin
Wyoming	---	---	----	---	---	----	Wyoming

^aNo restrictions on purchase or possession by or transfer to persons over this age.

^bSee State summaries for details of restrictions on purchase and possession.

Table 4. Regulation of dealer, private, and gun show sales, June 30, 2004

Jurisdiction	Handgun sales regulated ^a			Long gun sales regulated ^a		
	Licensed dealers ^b	Unlicensed persons		Licensed dealers ^b	Unlicensed persons	
		All sales	Gun show only		All sales	Gun show only
Federal	X	---	---	X	---	---
Alabama	X ^c	---	---	X ^c	---	---
California	X	X	---	X	X	---
Colorado	X	---	X	X	---	X
Connecticut	X	X	---	X	---	X
Delaware ^d	X	---	---	X ^e	---	---
Florida	X	---	---	X	---	---
Georgia	X	---	---	X	---	---
Hawaii	X	X	---	X	X	---
Illinois	X	X	---	X	X	---
Indiana	X	---	---	---	---	---
Iowa	X	X	---	---	---	---
Maryland ^f	X	X	---	---	---	---
Massachusetts	X	X	---	X	X	---
Michigan	X	X	---	---	---	---
Minnesota ^f	X	---	---	---	---	---
Missouri	X	X	---	---	---	---
Nebraska	X	X	---	---	---	---
Nevada ^d	X	---	---	X	---	---
New Hampshire	X	---	---	---	---	---
New Jersey	X	X	---	X	X	---
New York	X	X	---	X ^c	---	X ^c
North Carolina	X	X	---	---	---	---
Oregon ^d	X	---	X	X	---	X
Pennsylvania	X	X	---	X	---	---
Rhode Island	X	X	---	X	X	---
Tennessee	X	---	---	X	---	---
Utah	X	---	---	X	---	---
Virginia	X	---	---	X	---	---
Washington	X	---	---	---	---	---
Wisconsin	X	---	---	---	---	---
State totals	30	15	2	19	6	4

--- Not applicable

^aAn "X" indicates that a buyer must present a permit or undergo a background check (or both) before the seller can transfer a firearm (see table 5 for details).

^bIncludes dealer sales at retail stores and gun shows.

^cState law requires a NICS check which is conducted by the FBI.

^dUnlicensed sellers who are not required to request a background check may do so voluntarily.

^eIncludes only rifle sales; shotgun sales are exempt.

^fHandgun procedures also apply to certain assault weapon sales.

Table 5. Background check and permit procedures, June 30, 2004

Jurisdiction	Handgun sales				Long gun sales				Check time limit ^e	
	Instant check ^a	Purchase permit ^b	Other approval ^c	Waiting period ^d	Instant check ^a	Purchase permit ^b	Other approval ^c	Waiting period ^d	Sale	Permit
Federal	X	---	---	---	X	---	---	---	3 days	---
California	---	---	X	10 days	---	---	X	10 days	10 days	---
Colorado	X	---	---	---	X	---	---	---	3 days	---
Connecticut	X	X	---	---	X	---	---	14 days ^f	14 days	90 days
Delaware*	X	---	---	---	X	---	---	---	3 days	---
Florida	X	---	---	3 days	X	---	---	---	3 days	---
Georgia	X	---	---	---	X	---	---	---	3 days	---
Hawaii	---	X	---	14 days	---	X	---	14 days	---	20 days
Illinois	X	X	---	3 days	X	X	---	1 day	1-3 days	30 days
Indiana*	X	---	---	---	---	---	---	---	2 days	---
Iowa	---	X	---	3 days	---	---	---	---	---	None
Maryland ^g	---	---	X	7 days	---	---	---	---	7 days	---
Massachusetts*	---	X	---	---	---	X	---	---	---	40 days
Michigan	---	X	---	---	---	---	---	---	---	None
Minnesota* ^h	---	X	X	7 days	---	---	---	---	7 days	7 days
Missouri*	---	X	---	---	---	---	---	---	---	7 days
Nebraska	---	X	---	---	---	---	---	---	---	2 days
Nevada	X	---	---	---	X	---	---	---	3 days	---
New Hampshire	X	---	---	---	---	---	---	---	3 days	---
New Jersey*	X	X	---	7 days	X	X	---	---	3 days	30 days
New York	---	X	---	---	X ⁱ	---	---	---	---	180 days
North Carolina	---	X	---	---	---	---	---	---	---	30 days
Oregon	X	---	---	---	X	---	---	---	3 days	---
Pennsylvania	X	---	---	---	X	---	---	---	15 days	---
Rhode Island*	---	---	X	7 days	---	---	X	7 days	7 days	---
South Dakota	---	---	---	2 days	---	---	---	---	---	---
Tennessee	X	---	---	---	X	---	---	---	3 days	---
Utah	X	---	---	---	X	---	---	---	3 days	---
Virginia	X	---	---	---	X	---	---	---	3 days	---
Washington	---	---	X	---	---	---	---	---	7 days	---
Wisconsin	X	---	---	2 days	---	---	---	---	2 days	---
State totals	16	12	5	---	14	4	2	---	---	---

-- -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. Includes State systems implemented to enforce Federal law.

^b"Purchase permit" includes documents (permits, licenses, identification cards, etc.) issued by State agency and required for purchase. Not included are documents which allow waiver of a point-of-sale check but are not required for a purchase.

^c"Other approval" generally requires a seller to transmit an application to a checking agency, with transfers delayed until a waiting period expires or the agency completes a check.

^dPeriod of time after sale or permit application is filed which must expire before transfer of firearm or issuance of permit.

^eMaximum time allowed for checking agency to decide on sale (instant check or other approval) or permit application. Extension may be allowed in some cases. NICS 3-day rule may apply in absence of State law.

^fLong gun waiting period is waived if buyer has a handgun permit.

^gHandgun procedures also apply to sales of certain assault weapons.

^hHandgun and assault weapon buyers have the options of a purchase permit or the other approval process.

ⁱState law requires a NICS check which is conducted by the FBI.

Table 6. Fees, record retention, and appeals, June 30, 2004

Jurisdiction	Maximum agency fee ^a		Length of time agencies retain transaction records ^b		Appeal forums		
	Sale check	Permit	Allowed	Denied	Denying agency	Other agency ^c	Court system
Federal	None	---	1 day	Indefinitely	X	---	X
Alabama	---	---	Indefinitely	---	---	---	---
California	\$20.00 ^d	---	Indefinitely	Indefinitely	X	---	---
Colorado	None	---	1 day	Indefinitely	X	---	---
Connecticut	None	\$94.00 ^e	5 years	5 years	X ^f	X ^f	---
Delaware	None	---	60 days	Indefinitely	X	---	X
Florida	\$5.00	---	2 days	2 years	X	---	---
Georgia	\$5.00	---	1 day	90 days	X	---	X
Hawaii	---	\$24.00	Indefinitely	Indefinitely	---	---	---
Illinois	\$2.00	\$5.00	Indefinitely	10 years	X	---	X
Indiana	\$3.00	---	30 days	Indefinitely	X	---	X
Iowa	---	Varies	4 years	Varies	---	---	X
Maryland	\$10.00	---	Indefinitely	Indefinitely	X	---	X
Massachusetts	---	\$100.00	Indefinitely	Indefinitely	---	---	X
Michigan	---	None	6 years	Varies	---	---	X
Minnesota	None	None	Varies	Varies	---	---	X
Missouri	---	\$10.00	Indefinitely	Indefinitely	---	---	X
Nebraska	---	\$5.00	Varies	Varies	---	---	X
Nevada	\$25.00	---	1 day	2 years	X	---	---
New Hampshire	None	---	1 day	3 years	X	---	X
New Jersey	None	\$54.00 ^g	Indefinitely	Indefinitely	X ^h	---	X ^h
New York	---	\$99.00 ⁱ	Indefinitely	Indefinitely	---	---	---
North Carolina	---	\$5.00	10 years	Indefinitely	---	---	X
Oregon	\$9.00	---	5 years	5 years	X	---	---
Pennsylvania	\$2.00 ^j	---	Not kept	20 years	X	X	X
Rhode Island	Varies	---	30 days	30 days	---	---	---
South Carolina	---	---	Indefinitely	Indefinitely	---	---	---
South Dakota	---	---	1 year	1 year	---	---	---
Tennessee	\$10.00	---	Not kept	Indefinitely	X	---	---
Utah	\$7.50	---	20 days	Indefinitely	X	---	---
Virginia	\$2.00 ^k	---	30 days	2 years	X	---	X
Washington	None	---	1 day	Indefinitely	---	---	X
Wisconsin	\$8.00	---	30 days	Indefinitely	X	---	X
State Totals	---	---	---	---	18	2	18

--- Not applicable or data not available

X Statute or regulation provides a specific process to appeal a denial of a firearm purchase or a permit required for purchase. Some denying agencies may reconsider a decision even if not required to do so by State law.

^aCovers check or permit required for firearm purchase. "None" means a fee is prohibited or not required.

^bRetention of firearm permit or purchase records by law enforcement pursuant to statute or agency policy. If a State has retention periods that vary by type of data, the longest applicable period is listed.

^cAn agency apart from the one that denied the application.

^dCovers single handgun or unlimited number of long guns; fee for each additional handgun is \$16.

^eFee for pistol permit; eligibility certificate is \$59.

^fDenying agency hears purchase appeals; Board of Firearm Permit Examiners hears permit appeals.

^gFee for firearms purchaser identification card; permit to purchase a handgun is \$51.

^hDenying agency hears purchase appeals; court hears permit appeals.

ⁱSome issuing authorities may charge additional fees.

^jAn additional \$3 may be charged for sales tax on certain firearms.

^kFee for a check on a Virginia resident; a check on a non-resident costs \$5.

Table 7. Prohibited and restricted firearms, June 30, 2004

Jurisdiction	Assault weapon	Machine gun	Short-barrel rifle	Short-barrel shotgun	Unsafe handgun	Other types of firearms
Federal	X	X	X	X	---	Firearm undetectable by airport security
Alabama	---	---	X	X	---	---
Alaska	---	X	X	X	---	---
Arizona	---	X	X	X	---	---
Arkansas	---	X	X	X	---	Silent discharge firearm
California	X	X	X	X	X	Unrecognizable, cane, wallet, and zip guns, etc.
Colorado	---	X	X	X	---	---
Connecticut	X	X	---	X	---	---
Delaware	---	X	---	X	---	---
Florida	---	X	X	X	---	---
Georgia	---	X	X	X	---	---
Hawaii	X	X	X	X	X	---
Idaho	---	---	---	---	---	---
Illinois	---	X	X	X	X	Firearm shaped like a wireless telephone
Indiana	---	X	---	X	---	---
Iowa	---	X	X	X	---	Silenced firearm
Kansas	---	X	X	X	---	---
Kentucky	---	---	---	---	---	---
Louisiana	---	X	X	X	---	---
Maine	---	X	---	---	---	---
Maryland	X	X	X	X	X	---
Massachusetts	X	X	X	X	X	---
Michigan	---	X	X	X	---	---
Minnesota	---	X	---	X	X	---
Mississippi	---	---	---	---	---	---
Missouri	---	X	X	X	---	---
Montana	---	---	X	X	---	---
Nebraska	---	X	X	X	---	---
Nevada	---	X	X	X	---	---
New Hampshire	---	---	---	---	---	---
New Jersey	X	X	---	X	---	---
New Mexico	---	---	---	---	---	---
New York	X	X	X	X	---	Disguised gun
North Carolina	---	X	X	X	---	Barrel with bore over 1/2 inch in diameter
North Dakota	---	X	X	X	---	---
Ohio	---	X	X	X	---	Zip gun
Oklahoma	---	---	X	X	---	---
Oregon	---	X	X	X	---	---
Pennsylvania	---	X	---	X	---	Silent discharge firearm
Rhode Island	---	X	X	X	---	---
South Carolina	X	X	X	X	X	---
South Dakota	---	X	---	X	---	---
Tennessee	---	X	X	X	---	---
Texas	---	X	X	X	---	Zip gun
Utah	---	---	---	---	---	---
Vermont	---	---	---	---	---	Zip gun
Virginia	X	X	X	X	---	Plastic firearm
Washington	---	X	X	X	---	---
West Virginia	---	X	---	---	---	---
Wisconsin	---	X	X	X	---	---
Wyoming	---	---	---	---	---	---
State Totals	9	39	33	40	7	

See Glossary for definitions of firearm types. The table does not include firearm accessories.

X - Possession is prohibited or allowed only under limited exceptions, or there is a registration requirement.

Table 8. National Instant Criminal Background Check System (NICS): Checking agencies, June 30, 2004

State	FBI or State point of contact for firearm transfers ^a						Exempt permit ^b	Name of exempt permit
	Handguns		Long guns		Pawn Redemptions			
	FBI	POC	FBI	POC	FBI	POC		
Alabama	X	---	X	---	X ^c	---	---	---
Alaska	X	---	X	---	X	---	X	Concealed handgun
Arizona	X	---	X	---	X	---	X	Concealed weapon
Arkansas	X	---	X	---	X	---	X	Concealed handgun
California	---	X	---	X	---	X	---	---
Colorado	---	X	---	X	---	X	---	---
Connecticut	---	X	---	X	---	X	---	---
Delaware	X	---	X	---	X	---	---	---
Florida	---	X	---	X	X ^d	X ^d	---	---
Georgia	---	X	---	X	---	X	X	Concealed handgun
Hawaii	---	X	---	X	---	X	X	Permits to acquire
Idaho	X	---	X	---	X	---	X	Concealed weapon
Illinois	---	X	---	X	---	X	---	---
Indiana	X	---	X	---	X ^c	---	---	---
Iowa	---	X	X	---	X	---	X	Permits to acquire or carry
Kansas	X	---	X	---	X	---	---	---
Kentucky	X	---	X	---	X	---	---	---
Louisiana	X	---	X	---	X	---	---	---
Maine	X	---	X	---	X	---	---	---
Maryland	---	X	X	---	X	---	---	---
Massachusetts	X	---	X	---	X ^c	---	---	---
Michigan	---	X	X	---	X ^c	---	X	License to purchase
Minnesota	X	---	X	---	X	---	---	---
Mississippi	X	---	X	---	X	---	X	Concealed handgun
Missouri	X	---	X	---	X	---	---	---
Montana	X	---	X	---	X	---	X	Concealed weapon
Nebraska	---	X	X	---	X	---	X	Transfer certificate
Nevada	---	X	---	X	---	X	X	Concealed firearm
New Hampshire	---	X	X	---	X ^e	X ^e	---	---
New Jersey	---	X	---	X	---	^c	---	---
New Mexico	X	---	X	---	X	---	---	---
New York	---	X	X	---	X	---	X	Handgun license
North Carolina	---	X	X	---	X	---	X	Permits to purchase or carry
North Dakota	X	---	X	---	X	---	X	Concealed weapon
Ohio	X	---	X	---	X	---	---	---
Oklahoma	X	---	X	---	X	---	---	---
Oregon	---	X	---	X	---	X	---	---
Pennsylvania	---	X	---	X	---	X ^c	---	---
Rhode Island	X	---	X	---	X	---	---	---
South Carolina	X	---	X	---	X	---	X	Concealed handgun
South Dakota	X	---	X	---	X	---	---	---
Tennessee	---	X	---	X	---	X	---	---
Texas	X	---	X	---	X	---	X	Concealed handgun
Utah	---	X	---	X	---	X	X	Concealed firearm
Vermont	X	---	X	---	X	---	---	---
Virginia	---	X	---	X	---	X	---	---
Washington	---	X	X	---	X	---	---	---
West Virginia	X	---	X	---	X	---	---	---
Wisconsin	---	X	X	---	X	---	---	---
Wyoming	X	---	X	---	X	---	X	Concealed weapon
Total	27	23	36	14	37	14	19	---

---Not applicable

^aIncludes checks on applicants for a purchase or a permit required for a purchase.

^bState or local agency issues ATF-qualified permit that, as of June 30, 2004, exempts holder from NICS sale check.

^cState forbids pawning a handgun (all firearms in New Jersey); any redemption checks are for long guns.

^dIf less than 90 days after pawn, broker can call FBI or State; more than 90 days, broker must call State.

^eFBI checks long gun redemptions; POC checks handgun redemptions.

Table 9. Notification procedures of State agencies regarding denied persons subject to arrest, June 30, 2004

State	Notice of outstanding warrant		Notice of false application or illegal attempt to buy		
	Agency with jurisdiction ^a	Special State unit ^b	Agency with jurisdiction ^a	Special State unit ^b	ATF
California	X	--	X	--	--
Colorado	X	--	X	--	X
Connecticut	X	--	--	X	--
Delaware	X	--	X	--	--
Florida	X	--	X	X	X
Georgia	X	--	X	--	X
Illinois	X	--	--	X	X
Indiana	X	--	--	--	X
Maryland	--	X	--	X	--
Nevada	X	--	--	--	X
New Hampshire	X	--	X	--	X
New Jersey	X	X	--	X	--
Oregon	X	--	X	--	--
Pennsylvania	X	--	X	--	X
Tennessee	X	--	--	--	X
Utah	X	--	X	--	X
Virginia	--	X	--	X	X
Wisconsin	X	X	X	X	X
Totals	16	4	10	7	12

Note: States listed have one statewide agency that checks purchase or permit applicants.

-- Not applicable or information not available.

^aMay include Federal, State, or local agencies that issued a warrant or have jurisdiction over the site of the transaction or the location of the denied person's residence.

^bIncludes units within the same agency as the checking unit.

Table 10. Data accessed for firearm background checks: domestic violence, June 30, 2004

Jurisdiction	Restraining (protective) orders		Domestic violence misdemeanor convictions	
	Statewide database	Entered into NCIC file	In criminal history (CH)	Method used to distinguish from other misdemeanors in CH ^a
Federal	---	X	X	Flagged records (from States)
Alabama	X	X	X	Flagged records
Alaska	X	X	X	Flagged records
Arizona	X	X	X	Flagged records
Arkansas	X	X	X	Flagged records
California	X	X	X	Flagged records
Colorado	X	X	X	Flagged records
Connecticut	X	X	X	Flagged records
Delaware	X	X	X	Flagged records
Florida	X	X	X	
Georgia	X	X	X	Flagged records
Hawaii	X	---	X	Flagged records
Idaho	---	X	X	
Illinois	X	X	X	Flagged records
Indiana	X	X	---	
Iowa	X	X	X	Flagged records
Kansas	X	X	X	Statute citations
Kentucky	X	X	X	
Louisiana	X	X	X	Modifier denoting DV
Maine	X	X	---	
Maryland	X	X	X	Flagged records
Massachusetts	X	X	X	Included in crimes of violence ^b
Michigan	X	X	X	Flagged records
Minnesota	X	X	X	Offense codes
Mississippi	---	---	---	
Missouri	X	X	X	Flagged records
Montana	---	X	X	Flagged records
Nebraska	X	X	X	Flagged records
Nevada	X	---	X	Flagged records
New Hampshire	X	X	X	Flagged records
New Jersey	X	---	X	Flagged records
New Mexico	X	X	X	Flagged records
New York	X	X	---	
North Carolina	---	X	X	Flagged records
North Dakota	X	X	---	
Ohio	---	X	---	
Oklahoma	---	X	X	Offense codes / flagged records
Oregon	X	X	X	Flagged records
Pennsylvania	X	X	X	Flagged records
Rhode Island	X	X	X	Flagged records
South Carolina	---	X	X	Flagged records
South Dakota	X	X	X	Flagged records
Tennessee	X	X	X	Flagged records
Texas	X	X	X	Flagged records
Utah	X	---	X	Flagged records
Vermont	X	X	X	Flagged records
Virginia	X	X	X	Flagged records
Washington	X	X	X	Flagged records
West Virginia	X	X	X	
Wisconsin	X	X	X	Flagged records
Wyoming	X	X	X	Flagged records
State totals	43	45	44	

X Data are accessed by checking agencies within the jurisdiction (may not be available to other checking agencies).

---No data are available for firearm background checks or availability is unknown.

^aExtent of flagging and ability to distinguish domestic crimes from other misdemeanors varies significantly by jurisdiction.

^bDomestic misdemeanors are not flagged because all crimes of violence are disqualifying offenses.

Table 11. Data accessed for firearm background checks: other prohibitions, June 30, 2004

Jurisdiction	Criminal histories ^b	Wanted fugitives	Mental defective / committed ^a			Juvenile offenders	Other records ^d
			Agency database ^c	In criminal histories	Local or other source		
Federal	X	X	X	---	---	---	X
Alabama	X	X	---	X	---	---	X
Alaska	X	X	---	X	---	---	---
Arizona	X	X	X	---	---	---	X
Arkansas	X	X	---	---	---	---	X
California	X	X	X	X	---	X	X
Colorado	X	X	---	X	X	X	X
Connecticut	X	X	X	X	---	X	X
Delaware	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
Illinois	X	X	X	---	---	X	---
Indiana	X	X	---	---	---	X	X
Iowa	X	X	---	X	X	X	X
Kansas	X	---	---	---	---	X	X
Kentucky	X	X	---	---	---	---	---
Louisiana	X	X	X	---	---	---	X
Maine	X	X	---	X	---	X	X
Maryland	X	X	---	---	X	---	X
Massachusetts	X	X	X	---	---	X	X
Michigan	X	X	X	X	---	X	X
Minnesota	X	X	X	X	---	X	X
Mississippi	X	X	---	---	---	---	---
Missouri	X	X	---	X	---	---	X
Montana	X	X	---	X	---	---	X
Nebraska	X	X	X	---	---	---	X
Nevada	X	X	---	---	X	---	---
New Hampshire	X	X	---	X	---	---	X
New Jersey	X	X	X	X	X	X	X
New Mexico	X	---	---	---	---	X	---
New York	X	X	X	X	---	---	---
North Carolina	X	X	---	---	X	---	X
North Dakota	X	X	---	---	---	---	X
Ohio	X	X	X	---	---	---	X
Oklahoma	X	---	X	X	---	---	---
Oregon	X	X	X	---	---	X	X
Pennsylvania	X	X	X	---	---	---	X
Rhode Island	X	X	---	---	---	---	X
South Carolina	X	X	---	---	---	X	---
South Dakota	X	X	---	X	---	---	X
Tennessee	X	X	---	---	---	---	X
Texas	X	X	---	---	X	X	X
Utah	X	X	X	X	---	---	X
Vermont	X	X	---	X	---	---	X
Virginia	X	X	X	X	---	X	X
Washington	X	X	X	X	---	X	X
West Virginia	X	X	---	---	---	---	---
Wisconsin	X	X	X	---	---	X	X
Wyoming	X	X	---	---	---	---	---
State totals	50	46	22	23	8	21	38

X Data are accessed by checking agencies within the jurisdiction (may not be available to other checking agencies).

---No data are available for firearm background checks or availability is unknown.

^aMay include involuntary commitment, not guilty by reason of insanity, incompetent to stand trial, or other data.

^bContain at least felony arrests and dispositions; may have data on misdemeanors and mental illness.

^cAccessed by statewide checking agency or mental health department (FBI maintains Federal data).

^dMay include probation, parole, motor vehicle, and specialized files.

Table 12. Revisions of sales regulations and other significant changes in State firearm laws, July 1, 2003 to June 30, 2004

State	Topic; summary of change in law; citation; effective date
Alabama	<p>Background checks: All firearm transfers by a licensed importer, manufacturer, or dealer shall be subject to a NICS check. Act 2004-641; 06/04.</p> <p>State data: Data needed for a NICS check shall be provided to the Criminal Justice Information Center by State and local agencies. A court order for involuntary commitment of a person who has a history of inappropriate use of firearms or poses a threat to do so shall be forwarded to CJIC and entered into the State system and the NICS. Act 2004-641; 06/04.</p>
Alaska	<p>Permits: The statute that required a person to possess a permit while carrying a concealed handgun was repealed. A person who may legally carry a firearm may now carry it concealed without a permit. 18.65.750; 09/09/03.</p>
California	<p>Prohibited persons: A misdemeanor conviction for certain offenses that involved discharging a firearm now causes a lifetime possession ban instead of a 10-year ban. Crimes involving carrying firearms were added to those that prohibit a juvenile offender from having firearms until age 30. It is now an offense to possess a firearm while subject to a protective order based on elder or dependent adult abuse. Penal Code 12021.01/01/04</p> <p>Background checks: A determination of a person's eligibility to possess firearms may be requested directly from DOJ by that person for a \$20 fee. Penal Code 12077.5; 01/01/04.</p> <p>Purchaser fees: An amendment clarified that in a private party transfer a dealer may charge a \$10 fee per firearm in addition to a \$20 DOJ fee. Penal Code 12077; 01/01/04.</p>
Connecticut	<p>Prohibited persons: Amendments made it a crime for a person to possess a firearm, pistol or revolver while subject to a foreign order of protection. 53a-217, 53a-217c; 10/01/03.</p> <p>State data: The registry of protective orders statute was amended to provide that the registry shall contain foreign orders of protection. 51-5c; 10/01/03.</p>
Florida	<p>Prohibited persons: Cyberstalking was added to the enumerated offenses that will cause nonapproval of a firearm transaction. 790.065; 10/01/03.</p> <p>Background checks: The sunset date for the State's instant check law was extended to October 1, 2009. 790.065; 05/21/04.</p> <p>Registration: A new statute prohibits the knowing and willful creation or maintenance of any list, record, or registry of privately owned firearms or firearm owners. 790.335; 05/13/04.</p>
Idaho	<p>Restoration of rights: A person convicted of murder or voluntary manslaughter may not ship, transport, possess or receive a firearm after discharge from custody, regardless of when the conviction occurred. 18-310; 07/01/03.</p>
Illinois	<p>Prohibited persons: An amendment prohibits issuance of a FOID card to a person who is currently adjudicated or had been adjudicated delinquent for an offense that would be a felony if committed by an adult. 430:65/8; 01/01/04.</p> <p>Prohibited firearms: An exception to the unlawful use of weapons statute allows a business that designs and manufactures ammunition to use a device, attachment, or weapon solely to test ammunition. 720: 5/24-2; 08/05/03.</p> <p>Regulated sales: An amendment makes it an offense to be engaged in the business of selling firearms without a federal license. 720:5/24-3; 07/10/03.</p> <p>Waiting period: An amendment exempted a firearm sale to a licensed dealer from waiting period requirements. 720:5/24-3; 07/10/03.</p> <p>Appeals of denials: A person who was adjudicated delinquent for an offense that would be a felony if committed by an adult may appeal a FOID denial to circuit court if at least 10 years have elapsed since adjudication. 430:65/10; 01/01/04.</p> <p>Arrests of denied persons: The unlawful purchase of a firearm statute was amended to clarify that the sentencing provisions apply to an unlawful attempt to purchase firearms. 720:5/24-3.5; 08/07/03.</p>

Table 12. Revisions of sales regulations and other significant changes in State firearm laws, July 1, 2003 to June 30, 2004

State	Topic; summary of change in law; citation; effective date
Indiana	<p>Prohibited persons: A new section makes it unlawful for a person who has been convicted of domestic battery to knowingly or intentionally possess a firearm, unless the person's rights have been restored. 35-47-4-6; 07/01/03.</p> <p>Restoration of rights: A person who has been convicted of a crime of domestic violence may petition the court for restoration of the right to possess a firearm, not earlier than 5 years after the date of conviction. 3-7-13-5, 33-4-5-7; 07/01/03.</p>
Louisiana	<p>Prohibited persons: Convictions for sex offenses were added to the list of crimes that prohibit a person from possessing a firearm or carrying a concealed weapon. 14:95.1; 08/15/03. A new law created a domestic abuse battery crime and provided that a misdemeanor sentence may be suspended if the offender refrains from owning or possessing a firearm for the entire length of sentence. 14:35.3; 08/15/03.</p>
Maine	<p>Prohibited persons: A new law allows a court that issues a domestic violence restraining order to require that firearms owned by the defendant be temporarily relinquished. 19-A:4006:2-A; 09/13/03.</p> <p>Permits: Concealed firearm permit laws were amended to be consistent with the statute regarding possession of firearms by prohibited persons. 25:2002:10A; 09/13/03.</p>
Maryland	<p>Relevant laws: Regulated firearms laws and other provisions in the former Article 27 of the Maryland Code were recodified in a new article. Public Safety Article, Title 5; 10/01/03.</p>
Massachusetts	<p>Purchaser fees: The firearm identification card and license to carry statutes were amended to raise the application fee from \$25 to \$100. 140-129B, 140-131; 07/31/03.</p>
Michigan	<p>Permits: Purchasing, owning, carrying, possessing, using, or transporting an antique firearm was exempted from pistol licensing and safety inspection requirements. 28.422, 28.429, 28.432; 05/13/04.</p>
Minnesota	<p>Restoration of rights: A lifetime firearm possession ban, instead of a 10-year restriction, is imposed on a person who committed a crime of violence and was discharged from a sentence on or after 08/01/93, unless the person's firearm rights are specially restored. 609.165; 08/01/03. The definition of crimes of violence no longer includes misdemeanors or gross misdemeanors. A person who commits a gross misdemeanor may not possess a firearm for 3 years from the date of conviction. 624.712; 08/01/03.</p>
Missouri	<p>Permits: A new section authorizes county sheriffs to issue permits to carry concealed handguns. 571.101 to 571.121; 10/11/03.</p>
Nevada	<p>Prohibited persons: A new section makes it illegal to knowingly transfer a firearm to a person who is under indictment for or convicted of a felony, a fugitive, adjudicated mentally ill, committed to a mental health facility, or illegally in the U.S. 202.362; 10/01/03. An amendment prohibited ownership, possession, or control of a firearm by a person who is a fugitive, an unlawful drug user or addict, adjudicated mentally ill, committed to a mental health facility, or illegally in the U.S. 202.360; 10/01/03.</p> <p>Prohibited firearms: An amendment makes it illegal to manufacture or cause to be manufactured, import into the State, keep, offer or expose for sale, or give, lend, possess or use a machine gun unless authorized by federal law. 202.350; 10/01/03.</p>
New Mexico	<p>Permits: A new article authorized the Department of Public Safety to issue concealed handgun licenses. Chapter 29, Article 19; 07/01/03.</p>
North Carolina	<p>Prohibited persons The statute that makes it unlawful for a person to purchase a firearm while subject to a domestic violence order was amended to make it unlawful for such a person to own, possess, or receive a firearm, machine gun, or permit. 14-269.8; 12/01/03. A new section provides that a court in certain cases shall order a person subject to a domestic violence order to surrender all firearms, machine guns, and permits to the county sheriff. 50B-3.1; 12/01/03.</p>

Table 12. Revisions of sales regulations and other significant changes in State firearm laws, July 1, 2003 to June 30, 2004

State	Topic; summary of change in law; citation; effective date
Ohio	<p>Prohibited persons: An amendment expanded the definition of mentally ill persons who cannot acquire, have, carry or use any firearm. 2923.13; 04/08/04.</p> <p>Permits: A new section authorizes county sheriffs to issue licenses to carry concealed handguns. 2923.125; 04/08/04.</p> <p>State data: Probate judges and hospital officers are required to send notices of involuntary commitments to the Bureau of Criminal Identification and Investigation for use in conducting concealed handgun license checks. 5122.311; 04/08/04.</p>
Pennsylvania	<p>Prohibited persons: A new section was established under the Vehicle Code for DUI. Under certain circumstances, individuals may be prohibited under Federal law with as little as two DUI convictions. 75 PA C.S. 3802; 02/01/04.</p>
South Carolina	<p>Regulated sales: An amendment deleted the provisions that prohibit a person from purchasing more than one pistol on an application or purchasing more than one pistol during each thirty day period. 23-31-140; 05/24/04.</p>
Texas	<p>Prohibited persons: An amendment makes it an offense for a person to possess a firearm while subject to a sexual assault protective order. Penal Code 46.04; 09/01/03.</p>
Utah	<p>Permits: An amendment modified the type and amount of information an applicant is required to provide in order to receive a permit to carry a concealed firearm. 53-5-704, 53-5-706; 05/03/04.</p> <p>Background checks: An amendment makes Utah law consistent with federal law regarding the purchase of firearms and requires that only one photo identification rather than two be presented by a purchase applicant. 76-10-524, 76-10-526; 05/03/04.</p>
Virginia	<p>Regulated sales: Amendments defined antique, curio, and relic firearms in a manner consistent with Federal law, and revised the definitions of firearm, handgun, and assault rifle. Title 18.2; 07/01/03.</p>
Wyoming	<p>Regulated sales: The statutes that allowed a resident of a contiguous State to purchase a long gun in Wyoming and allowed a Wyoming resident to purchase a long gun in a contiguous State were repealed. 6-8-301, 6-8-302, 6-8-303; 07/01/03.</p>

Appendix A-1. Federal and State firearm laws, June 30, 2004

Jurisdiction	Title of laws	Relevant sections
United States	Code	18-922 et seq; 26-5801 et seq.
Alabama	Code	13A-11-50 et seq.
Alaska	Statutes	11.61.190 et seq; 18.65.700 et seq.
Arizona	Revised Statutes	13-905 et seq; 13-3101 et seq.
Arkansas	Code	5-73-101 et seq; 5-73-201 et seq.
California	Penal Code	12000 et seq; Welf. & Inst. Code 8100 et seq.
Colorado	Revised Statutes	12-26.1-101; 18-12-101 et seq; 24-33.5-424
Connecticut	General Statutes	29-27 et seq; 53-202 et seq; 53a-211 et seq.
Delaware	Code	11-1441 et seq; 24-901 et seq.
Florida	Statutes	790.001 et seq.
Georgia	Official Code	16-11-101.1 et seq; 16-11-170 et seq.
Hawaii	Revised Statutes	134-1 et seq.
Idaho	Code	18-310; 18-3302 et seq.
Illinois	Compiled Statutes	430:65/0.01 et seq; 720:5/24-1 et seq; 725:5/112A-14
Indiana	Code	34-26-2-12; 35-47-1-1 et seq.
Iowa	Code	702.7; 724.1 et seq.
Kansas	Statutes	21-4201 et seq.
Kentucky	Revised Statutes	237.060 et seq; 431.064; 527.010 et seq.
Louisiana	Revised Statutes	14:35.3, 91, 95 et seq; 40:1379.3, 1751 et seq.
Maine	Revised Statutes	15.393; 17A.554A et seq; 17A.1051; 25.2001 et seq
Maryland	Code	Criminal Law Title 4; Public Safety Title 5
Massachusetts	Laws	140-121 et seq; 269-10
Michigan	Compiled Laws	3.111 et seq; 28.421 et seq; 750.222 et seq.
Minnesota	Statutes	609.165; 609.66 et seq; 624.71 et seq.
Mississippi	Code	45-9-101; 97-37-1 et seq.
Missouri	Revised Statutes	407.500, 505; 571.010 et seq.
Montana	Code	45-8-301 et seq; 46-18-801
Nebraska	Revised Statutes	28-1201 et seq; 69-2401 et seq.
Nevada	Revised Statutes	176A.860; 202.253 et seq; 213.090
New Hampshire	Revised Statutes	Chapters 159 and 159-D
New Jersey	Statutes	2C:39-1 et seq; 2C:58-1 et seq.
New Mexico	Statutes	30-7-1 et seq.
New York	Penal Law	Articles 265 & 400; Gen. Bus. Law art. 39-DD
North Carolina	General Statutes	14-269.7 et seq; 14-402 et seq.
North Dakota	Century Code	62.1-01 et seq.
Ohio	Revised Code	2923.11 et seq.
Oklahoma	Statutes	21-1271.1 et seq.
Oregon	Revised Statutes	166.170 et seq.
Pennsylvania	Consolidated Statu	18-6101 et seq.
Rhode Island	General Laws	11-47-1 et seq.
South Carolina	Code of Laws	16-23-10 et seq; 23-31-10 et seq.
South Dakota	Codified Laws	Chapters 22-14 and 23-7
Tennessee	Code	39-17-1301 et seq.
Texas	Penal Code	30.06; 42.12; 46.01 et seq; Govt. Code Ch. 411,
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; 54.1-4201.1; 59.1-148.2
Washington	Revised Code	9.41.010 et seq.
West Virginia	Code	61-7-1 et seq.
Wisconsin	Statutes	175.30; 175.35; 941.20 et seq; 948.60
Wyoming	Statutes	6-8-101 et seq.

Appendix A-2. Federal and State firearm laws, June 30, 2004 (continued)

Jurisdiction	Prohibited persons	Restoration of rights	Prohibited firearms	Regulated sales		Handgun transfer limits ^a	Permits and licenses	
				Licensed dealers	Private/gun show		Purchase	Carry
Federal	18:922(g),(n)	18:925(c)	18:922(o),(v)	18:922(t)	----	----	----	----
Alabama	13A-11-76	15-22-36	13A-11-63	13A-11-78	----	13A-11-80	----	13A-11-75
Alaska	11-61-200	11-61-200	11-61-200	----	----	----	----	18-65-700
Arizona	13-3101	13-905	13-3102	----	----	----	----	13-3112
Arkansas	5-73-103	5-73-103	5-73-104	----	----	----	----	5-73-309
California ^b	12021	12021	12280	12070	12071.1	12072	----	12050
Colorado	24-33.5-424	18-12-108	18-12-102	24-33.5-424	12-26.1-101	----	----	18-12-201
Connecticut	53a-217	29-32b	53-202b, c	29-36l	29-36l	----	29-28, 36f	29-28
Delaware	11-1448	11-1448	11-1444	11-1448A	24-904A	----	----	11-1441
Florida	790.23	790.23	790.221	790.065	----	----	----	790.06
Georgia	16-11-131	16-11-131	16-11-122	16-11-172	----	----	----	16-11-129
Hawaii	134-7	----	134-4, 8, 15	134-2	134-2	----	134-2	134-9
Idaho	18-3316	18-3316	----	----	----	----	----	18-3302
Illinois	430:65/8	430:65/10	720:5/24-1	430:65/3	430:65/3	----	430:65/2	----
Indiana	35-47-2-7	35-47-2-20	35-47-5-4.1	35-47-2-8	35-47-2-8	35-47-4-2	----	35-47-2-3
Iowa	724.15, 26	724.27	724.1, 2, 3	724.16	724.16	----	724.15	724.11
Kansas	21-4204	21-4204	21-4201	----	----	----	----	----
Kentucky	527.04	527.040	----	----	----	----	----	237.110
Louisiana	14:95.1	14:95.1	40:1752	----	----	----	----	40:1379.3
Maine	15:393	15.393	17A-1051	----	----	----	----	25:2003
Maryland	PS 5-133	----	CL 4-303	PS 5-120	PS 5-124	PS 5-128	----	PS 5-301
Massachusetts	140:129B	140.129B	269.10	140.122	140.129C	140.131B	140.131A	140.131
Michigan	28.422	28.424	750.224	28.422	28.422	750.229	28.422	28.425b
Minnesota	624.713	609.165	609.67	624.7132	----	----	624.7131	624:714
Mississippi	97-37-5	97-37-5	----	----	----	----	----	45-9-101
Missouri	571.090.1	Art IV s 7	571.020	571.080	571.080	----	571.080	571.101
Montana	45-8-313	46-18-801	45-8-340	----	----	----	----	45-8-321
Nebraska	28-1206	83-1,130	28-1203	69-2403	69-2403	----	69-2403	----
Nevada	202.360	202.360	202.275	----	202.254	----	----	202.3657
New Hampshire	159:3	----	----	159:8	----	----	----	159:6
New Jersey	2C:58-3	2A:167-5	2C:39-3	2C:58-2	2C:58-3	2C:39-11	2C:58-3	2C:58-4
New Mexico	30-7-16	30-7-16	----	----	----	----	----	29-19-1
New York ^b	265.01	400.00	265.02	400.00	GBL 39dd	----	400.00	400.00
North Carolina	14-404	14-404	14-288.8	14-402	14-402	----	14-402	14-415.12
North Dakota	62.1-02-01	62.1-02-01	62.1-02-03	----	----	----	----	62.1-04-03
Ohio	2923.13	2923.14	2923.17	----	----	----	----	2923.125
Oklahoma	21:1289.12	21:1283	21-1289.18	----	----	----	----	21:1290.3
Oregon	166.470	166.270	166.272	166.412	166.438	----	----	166.291
Pennsylvania	18:6105	18:6105	18:908	18:6111	18:6111	18:6115	----	18:6109
Rhode Island	11-47-5	13-10-2	11-47-8	11-47-35	11-47-35	----	----	11-47-11
South Carolina	16-23-30	24-21-990	16-23-220	23-31-130	----	----	----	23-31-215
South Dakota	22-14-15	22-14-15	22-14-6	----	----	----	----	23-7-7
Tennessee	39-17-1307	39-17-1316	39-17-1302	39-17-1316	----	----	----	39-17-1351
Texas ^b	46.06	46.04	46.05	----	----	----	----	Gov 411.172
Utah	76-10-503	77-18-11	----	76-10-526	----	----	----	53-5-704
Vermont	13:4007	----	13-4013	----	----	----	----	----
Virginia	18.2-308.2	18.2-308.2	18.2-300	18.2-308.2:2	54.1-4201.1	18.2-308.2:2	----	18.2-308
Washington	9.41.040	9.41.047	9.41.190	9.41.090	----	----	----	9.41.070
West Virginia	61-7-7	61-7-7	61-7-9	----	----	----	----	61-7-4
Wisconsin	941.29	941.29(5)	941.26	175.35(2)	----	----	----	----
Wyoming	6-8-102	6-8-102	----	----	----	----	----	6-8-104

Note: See Jurisdictional Summaries for the scope of topics.

If a jurisdiction has more than one statute on a topic, the most applicable or first in a series is cited.

^aIncludes one handgun purchase per month limits and restrictions on pawning a handgun.

^bReferences are to the State's penal code unless otherwise indicated.

Appendix A-3. Federal and State firearm laws, June 30, 2004 (continued)

Jurisdiction	Background check		Waiting period	Mental health records ^a	Transaction records	Firearm registration	False application	Appeals of denials
	Handguns	Long Guns						
Federal	18:922(t)	18:922(t)	----	----	18:922(t)	26:5841	18:922(a)(6)	18:922(t)
Alabama	----	----	----	Act 641	13A-11-79	----	13A-11-81	----
Alaska	----	----	----	----	----	----	----	----
Arizona	----	----	----	36-540(n)	----	----	----	----
Arkansas	----	----	----	----	----	----	----	----
California ^b	12076	12076	12071	8105 WIC	11106	12285	12076	----
Colorado	24-33.5-424	24-33.5-424	----	13-5-142	24-33.5-424	----	24-33.5-424	24-33.5-424
Connecticut	29-36l	29-36l	29-37a	29-38b	29-33, 37a	53-202d	29-34	29-32b
Delaware	11-1448A	11-1448A	----	11-1448A	11-1448A	----	11-1448A	11-1448A
Florida	790.065	790.065	790.0655	----	790.065	----	790.065	790.065
Georgia	16-11-173	----	----	35-3-34	16-11-176	----	16-11-182	16-11-178
Hawaii	134-2	134-2	134-2	134-3.5	134-2	134-3	----	----
Idaho	----	----	----	----	----	----	----	18-3302
Illinois	430:65/3.1	430:65/3.1	720.5/24-3	430:65/3.1	----	----	720.5/24-3.5	430:65/10
Indiana	35-47-2.5-3	----	----	----	35-47-2.5-8	----	35-47-2.5-12	35-47-2.5-9
Iowa	724.17	----	724.20	----	----	----	724.21	----
Kansas	----	----	----	----	----	----	----	----
Kentucky	----	----	----	----	----	----	----	----
Louisiana	----	----	----	----	----	40:1783	----	----
Maine	----	----	----	----	----	----	----	----
Maryland	PS 5-121	----	PS 5-123	----	PS 5-123	CL 4-403	PS 5-139	PS 5-126
Massachusetts	140.131	140.129B	----	140.129B	----	140.129C	140.129B	140.129B
Michigan	28.422	----	----	28.422	28.422	28.422	750.232a	28.422b
Minnesota	624.7132	----	624.7132	245.041	----	609.67	624.7132	624.7132
Mississippi	----	----	----	----	----	----	----	45-9-101
Missouri	571.090.3	----	----	----	571.090.5	----	571.090.6	571.090.8
Montana	----	----	----	----	----	----	----	45-8-324
Nebraska	69-2405	----	----	69-2409.01	----	----	69-2408	69-2406
Nevada	202.254	202.254	----	----	----	----	----	202.3663
New Hampshire	159-D:1	----	----	----	159-D:2	----	159:11	----
New Jersey	2C:58-3	2C:58-3	2C:58-2	2C:58-3	----	2C:58-2, 12	2C:39-10	2C:58-3
New Mexico	----	----	----	----	----	----	----	----
New York ^b	400.00	GBL 39dd	----	400.00	----	400.00	----	----
North Carolina	14-404	----	----	----	14-405	----	----	14-404
North Dakota	----	----	----	----	----	----	62.01-03-04	62.1-04-03
Ohio	----	----	----	5122.311	----	----	----	----
Oklahoma	----	----	----	----	----	----	----	----
Oregon	166.412	166.434	----	166.412	166.412	----	166.416	----
Pennsylvania	18:6111	18:6111	----	18:6111.1	18:6111	----	18:6111	18:6111.1
Rhode Island	11-47-35	11-47-35.2	11-47-35	----	11-47-35	----	11-47-23	----
South Carolina	----	----	----	----	23-31-140	23-31-330	23-31-160	23-31-215
South Dakota	----	----	23-7-9	----	23-7-10	----	23-7-12	----
Tennessee	39-17-1316	39-17-1316	----	----	39-17-1316	----	----	39-17-1316
Texas ^b	----	----	----	----	----	----	----	Gov 411.180
Utah	76-10-526	76-10-526	----	53-10-208.1	76-10-526	----	76-10-527	76-10-526
Vermont	----	----	----	----	----	----	----	----
Virginia	18.2-308.2:2	18.2-308.2:2	----	37.1-67.3	18.2-308.2:2	18.2-295	18.2-308.2:2	18.2-308.2:2
Washington	9.41.090	----	----	9.41.097	9.41.090	----	9.41.090	9.41.0975
West Virginia	----	----	----	----	----	----	----	----
Wisconsin	175.35(2g)	----	175.35(2d)	51.20	175.35(2k)	----	175.35(2e)	175.35(2L)
Wyoming	----	----	----	----	----	----	----	6-8-104

Note: See Jurisdictional Summaries for the scope of topics.

If a jurisdiction has more than one statute on a topic, the most applicable or first in a series is cited.

^aLaws that allow access to records of mentally ill persons during a firearm background check.

^bReferences are to the State's penal code unless otherwise indicated.

Appendix B. Agencies conducting firearm background checks, June 30, 2004

Names or description of checking agencies		
Jurisdiction	Purchase check or permit	Exempt carry permit ^a
United States	Federal Bureau of Investigation	---
Alabama	---	---
Alaska	---	Department of Public Safety
Arizona	---	Department of Public Safety
Arkansas	---	State Police
California	Department of Justice Firearms Division	---
Colorado	Bureau of Investigation Insta-Check Unit	---
Connecticut	State Police Special Licensing & Firearms	---
Delaware	State Police Bureau of Identification	Three county superior courts
Florida	Department of Law Enforcement	---
Georgia	Bureau of Investigation	159 county probate courts
Hawaii	Four police departments	---
Idaho	---	44 county sheriffs
Illinois	State Police FOID and FTIP units	---
Indiana	State Police Firearms Division	State Police Firearms Division
Iowa	Dept. of Public Safety / 99 county sheriffs	Dept. of Public Safety / 99 county sheriffs
Kansas	---	---
Kentucky	---	---
Louisiana	---	---
Maine	---	---
Maryland	State Police Firearms Enforcement Division	---
Massachusetts	351 police departments	351 police departments
Michigan	595 sheriffs and police departments	---
Minnesota	568 sheriffs and police departments	87 county sheriffs
Mississippi	---	Department of Public Safety
Missouri	115 sheriffs and police departments	---
Montana	---	56 county sheriffs
Nebraska	95 sheriffs and police departments	---
Nevada	Highway Patrol	17 county sheriffs
New Hampshire	Department of Safety	---
New Jersey	State Police / 505 local police departments	---
New Mexico	---	---
New York	58 county sheriffs; some police departments	--- ^b
North Carolina	100 county sheriffs	100 county sheriffs
North Dakota	---	Bureau of Criminal Investigation
Ohio	---	---
Oklahoma	---	---
Oregon	State Police Firearms Unit	---
Pennsylvania	State Police Firearms Division	---
Rhode Island	39 police departments	---
South Carolina	---	Law Enforcement Division
South Dakota	---	---
Tennessee	Bureau of Investigation Instant Check	---
Texas	---	Department of Public Safety
Utah	Bureau of Criminal Identification	Bureau of Criminal Identification
Vermont	---	---
Virginia	State Police Firearm Transaction Program	---
Washington	291 sheriffs and police departments	---
West Virginia	---	---
Wisconsin	Department of Justice Handgun Hotline	---
Wyoming	---	Wyoming Attorney General

^aAs of June 30, 2003, agencies listed issued carry permits that can be used to waive a purchase check.

^bLicense required for purchase may also allow carrying.

Appendix C. State agency Internet sites: firearm information pages and checking agency home pages

Agency	Site address
Alabama Attorney General	< http://www.ago.state.al.us/issue/Alabama_Weapon_Law.pdf >
Alaska Department of Public Safety	< http://www.dps.state.ak.us/PermitsLicensing/index.asp >
Arizona Department of Public Safety	< http://www.dps.state.az.us/ccw/welcome.htm >
Arkansas State Police	< http://www.asp.state.ar.us/chl/chl.html >
California Department of Justice Firearms Division	< http://caag.state.ca.us/firearms/ >
Colorado Bureau of Investigation Insta-Check Unit	< http://cbi.state.co.us/ic/index.asp >
Connecticut State Police Special Licensing and Firearms	< http://www.state.ct.us/dps/SLFU/index.html >
Delaware State Police Bureau of Identification	< http://www.state.de.us/dsp/sbi.htm#Firearms >
Florida Department of Law Enforcement	< http://www.fdle.state.fl.us/publications/faq/firearm_faq.asp >
Georgia Bureau of Investigation Crime Information Center	< http://www.state.ga.us/gbi/gunckar.html >
Honolulu Police Department Firearms Unit	< http://www.honolulu.org/info/gunlaw1.htm >
Illinois State Police	< http://www.isp.state.il.us/services/services.htm >
Indiana State Police	< http://www.in.gov/isp/firearms/ >
Iowa Department of Public Safety Division of Administrative Services	< http://www.state.ia.us/government/dps/asd/license.htm >
Kentucky State Police	< http://www.kentuckystatepolice.org/conceal.htm >
Louisiana State Police Concealed Handgun Section	< http://www.lsp.org/handguns.html >
Maryland State Police Firearms Enforcement Section	< http://www.mdarchives.state.md.us/msa/mdmanual/23dsp/html/23agen.html#firearms >
Massachusetts Firearms Record Bureau	< http://www.state.ma.us/chsb/frb/frb.html >
Michigan State Police Criminal Justice Information Center	< http://www.michigan.gov/msp/0,1607,7-123-1645_3500_4615---
Minnesota Bureau of Criminal Apprehension	< http://www.dps.state.mn.us/bca/CJIS/Documents/CarryPermit/Permit%20to%20Carry.html >
Mississippi Department of Public Safety	< http://www.dps.state.ms.us/dps/dps.nsf/divpages/hp2firearm?OpenDocument >
Montana Department of Justice Legal Services	< http://www.doj.state.mt.us/enforcement/concealedweapons.asp >
Nevada Highway Patrol Firearms Program	< http://nvrepository.state.nv.us/pos.htm >
New Hampshire State Police	< http://www.state.nh.us/safety/nhsp/plu.html >
New Jersey State Police Bureau of Identification	< http://www.njsp.org/about/id.html >
New Mexico Department of Public Safety	< http://www.dps.nm.org/faq/concealed_weapon.htm >
New York State Police Pistol Permit Bureau	< http://www.troopers.state.ny.us/Firearms/Firearmsindex.html >
North Carolina Department of Justice	< http://www.jus.state.nc.us/NCJA/ncfirearmslaws.pdf >
North Dakota Bureau of Criminal Investigation	< http://www.ag.state.nd.us/BCI/BCI.htm >
Ohio Attorney General	< http://www.ag.state.oh.us/web_applications/concealcarry/About.asp >
Oklahoma State Bureau of Investigation	< http://www.osbi.state.ok.us/PublicServices.htm >
Oregon State Police	< http://egov.oregon.gov/OSP/ >
Pennsylvania State Police Firearms Division	< http://www.psp2.state.pa.us/ri/ >
Rhode Island Bureau of Criminal Investigation	< http://www.riag.ri.gov/criminal/bci.php >
South Carolina Law Enforcement Division	< http://www.sled.state.sc.us/ >
Tennessee Bureau of Investigation Instant Check System	< http://www.tbi.state.tn.us/divisions/isd_tics.htm >
Texas Department of Public Safety Concealed Handgun	< http://www.txdps.state.tx.us/administration/crime_records/chl/chlsin
Utah Bureau of Criminal Identification	< http://bci.utah.gov/Brady/BradyHome.html#BRADY >
Vermont Department of Public Safety	< http://170.222.24.9/cjs/vtnics.html >
Virginia State Police Firearm Transaction Center	< http://www.vsp.state.va.us/cjis_ftc.htm >
Washington State Department of Licensing	< http://www.dol.wa.gov/ppu/firfront.htm >
West Virginia State Police Legal Division	< http://www.wvstatepolice.com/legal/ >
Wisconsin Department of Justice Handgun Hotline	< http://www.doj.state.wi.us/dles/cib/handgunhotline.asp >
Wyoming Attorney General	< http://attorneygeneral.state.wy.us/dci/index.html >