

This report was prepared by the Regional Justice Information Service (REJIS) using federal funding provided by the Bureau of Justice Statistics.

Document title: Trends for Background Checks for Firearm Transfers, 1999–2018:
The First 20 Years of the Permanent Brady Act Period

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Document No.: NCJ 309283

Publication Date: September 2024

Award No.: This project was supported by award number 2018-85-CX-K034.

Abstract:

The Brady Handgun Violence Prevention Act (Brady Act) requires a background check on an applicant for a firearm purchase from a dealer who is a Federal Firearms Licensee (FFL). During the permanent Brady Act period, from 1999 through 2018, background checks were conducted on over 237 million applicants for firearm transfers or permits. During this period, nearly 3.5 million applications for firearm transfers or permits were denied by the Federal Bureau of Investigation (FBI) or by state and local agencies. This report summarizes the number of applications for firearm transfers and permits, denials that resulted from background checks, reasons for denial, rates of denial, appeals of denials, and arrests of denied persons during the permanent Brady Act period. Statistics are presented at the FBI, state, and local levels. The report also provides a summary of significant changes in federal and state laws and regulations related to firearm sales. Statistical highlights are presented in the body of the report, and complete details are included in an appendix.

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Law Enforcement Statistics Unit
Award No.: 2018-85-CX-K034

Trends for Background Checks for Firearm Transfers, 1999–2018

The First 20 Years of the Permanent Brady Act Period

September 2024

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Introduction

The federal Brady Act was enacted in 1993 to prevent transfers of firearms to persons who are prohibited by law from receiving or possessing a firearm. The core requirement of the Brady Act is that a person who applies to purchase a firearm from a licensed dealer must undergo a background check by a law enforcement agency. If the check finds a record of a felony conviction or another prohibition, the application must be denied. After an interim period, the permanent provisions of the Brady Act became effective on November 30, 1998. As a result of the permanent provisions, the National Instant Criminal Background Check System (NICS) was established on that date. The NICS, administered by the Federal Bureau of Investigation (FBI), enables certain state and local agencies to access records of persons who are prohibited from receiving or possessing a firearm.

The Bureau of Justice Statistics (BJS) began the Firearm Inquiry Statistics (FIST) program in 1995 to provide national estimates of the total number of firearm applications received and denied pursuant to the Brady Act and similar state laws. This report summarizes the number of applications for firearm transfers and permits, denials that resulted from background checks, rates of denial, reasons for denial, and other statistics from the first 20 years of the permanent Brady Act period, 1999–2018. Changes in federal and state laws related to firearm transfers are also summarized for the period.

Data for 1999 to 2018 were obtained from state and local agencies responsible for conducting firearm background checks and were combined with NICS federal transaction data from the FBI to produce national estimates of applications and denials. Data were also collected on federal, state, and local reasons for denials. The Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) Denial Enforcement and NICS Intelligence (DENI) Branch provided data on investigations of persons denied a firearm by the FBI. Complete data were collected for every year in the period except 2011 and 2013. Only federal data were collected for 2011, with estimates made for state and local agencies. Only federal and state data were collected in 2013, with an estimate made for local agencies.

Tables included in this report cover the entire 20-year period unless otherwise noted. A general summary of the data collection and estimation process for the permanent Brady Act period is included in the *Methodology* section. Statistics for individual years of the period are available in the *Background Checks for Firearm Transfers* series on the BJS website.¹ A summary report on the first 10 years of the permanent Brady Act period is also available.²

During the 20-year period, annual applications for firearm transfers and permits increased from 8.6 million in 1999 to 16.7 million in 2018 (**figure 1**). Denials of applications increased from 204,000 in 1999 to 230,000 in 2018 (**figure 2**). The denial rate decreased by 42%, from 2.4% of applications in 1999 to 1.4% in 2018 (**figure 3**).

¹<https://bjs.ojp.gov/data-collection/firearm-inquiry-statistics-fist-program>.

²<https://www.ncjrs.gov/pdffiles1/bjs/grants/231187.pdf>.

FIGURE 1. Estimated number of applications for firearm transfers and permits during the permanent Brady Act period, 1999–2018

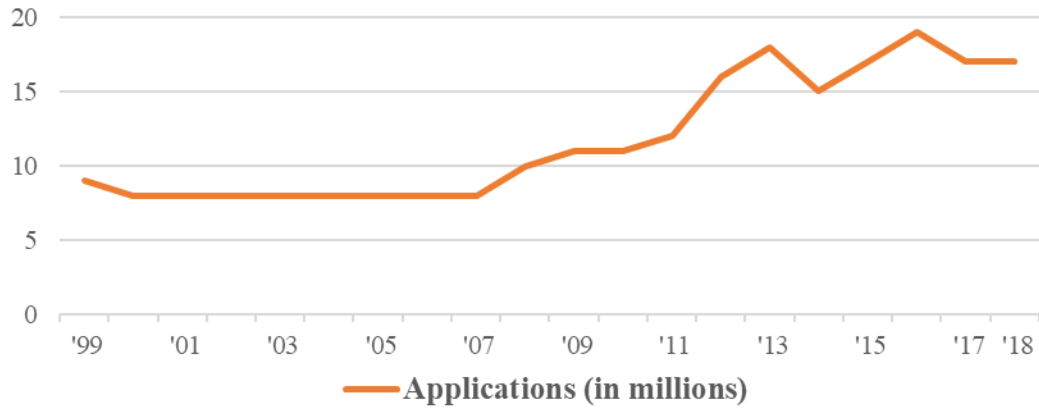


FIGURE 2. Estimated number of denials for firearm transfers and permits during the permanent Brady Act period, 1999–2018

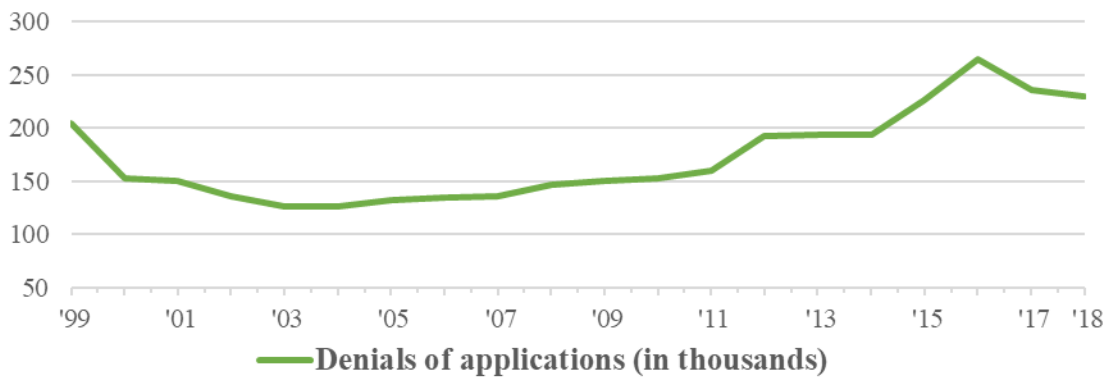
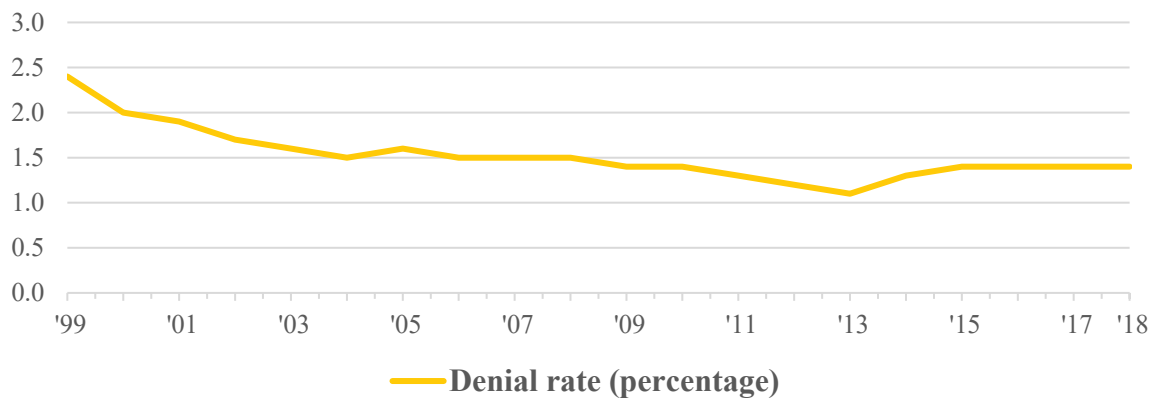


FIGURE 3. Denial rate of firearm transfer and permit applications during the permanent Brady Act period, 1999–2018



Source: Bureau of Justice Statistics, Firearm Inquiry Statistics program, 1999–2018; and the FBI, National Instant Criminal Background Check System Transaction Statistics, 1998–2018.

Highlights

- Over the 20-year period from 1999 through 2018, background checks were conducted on over 237 million applicants for firearm transfers or permits. Nearly 3.5 million applications were denied, a denial rate of 1.5%.
- From 1999 to 2018, the FBI conducted more background checks on applicants for firearm transfers or permits (129 million) than state and local agencies (109 million). The FBI had a lower denial rate (1.2%) than state and local agencies (1.7%).
- Among state reporting agencies for the period 2012–2018, California received the most applications (6.6 million), Tennessee had the most denials (131,000), and North Dakota had the highest denial rate (5.4%).
- Among types of applications used by local checking agencies from 2012 to 2018 to determine eligibility to receive a firearm, exempt carry permits had the most applications (over 4 million). Purchase permit applications had the highest number of denials (almost 110,000) and the highest denial rate (4.4%).
- A felony conviction, indictment/information/charge, or arrest was the most common reason (51%) for denial of a firearm transfer or permit application from 1999 to 2018. The second most common reason was being a fugitive from justice or having an active warrant (10%).
- Among all agencies conducting background checks, 47% of denials were due to a felony reason (conviction, indictment/information/charge, or arrest) in 2018 compared to 73% in 1999. The percentage of denials for non-felony reasons increased from 27% in 1999 to 53% in 2018.
- ATF's DENI Branch screened nearly 210,000 NICS denials from 1999 to 2018 that were subsequently referred to ATF field divisions for further investigation. Over 65,000 cases were referred because of a denied person's felony conviction record, accounting for over 31% of total referrals to field divisions.
- From 2008 to 2018, the number of prohibited person records increased by 252% in the NICS Indices, from over 5.4 million to over 19.3 million. The largest file in the Indices contained nearly 8 million illegal/unlawful alien records at yearend 2018.
- Changes to federal laws and regulations during the 20-year period included two new laws designed to increase reporting of prohibited person records to the NICS.
- The most frequent topics of state legislative changes related to firearm transfers from 1999 to 2018 were laws to improve reporting of mental health records to a state repository or the FBI (enacted in 42 states) and laws that allowed for relief from firearm disabilities based on mental health (32 states).

Federal Firearm Prohibitions

The federal Gun Control Act of 1968 (GCA), at 18 U.S.C. 922(g) and (n), lists several categories of “prohibited persons” who are not allowed to receive or possess a firearm. During the permanent Brady Act period, the GCA has prohibited transfer of a firearm to a person who:

- is under indictment for, or has been convicted of, a crime punishable by imprisonment for more than 1 year
- is a fugitive from justice
- is an unlawful user of, or is addicted to, any controlled substance
- has been adjudicated as a mental defective or committed to a mental institution
- is illegally or unlawfully in the U.S. or has been admitted to the U.S. under a nonimmigrant visa
- was discharged from the U.S. Armed Forces under dishonorable conditions
- has renounced U.S. citizenship
- is subject to a court order that restrains him or her from harassing, stalking, or threatening an intimate partner or child
- has been convicted in any court of a misdemeanor crime of domestic violence.

In addition, it is unlawful for a Federal Firearms Licensee (FFL) to knowingly transfer a long gun to a person under the age of 18 or a handgun to a person under the age of 21 (18 U.S.C. 922(b)).

Brady Act Requirements

The GCA as originally enacted did not provide a firearm seller with any reliable way to know whether a prospective purchaser was prohibited. Prior to 1993, several states attempted to determine the eligibility of firearm purchase applicants. For example, a few states required licensed firearms dealers to call a state agency for a background check on an applicant. Other states required prospective purchasers to apply for a permit that could be issued after a background check by a state or local law enforcement agency.

The Brady Handgun Violence Prevention Act of 1993, P.L. 103-159, amended the GCA to provide a method for blocking transfers of firearms to prohibited persons. From February 28, 1994 to November 30, 1998, under the interim Brady provisions, 18 U.S.C. 922(s) required an FFL to request a background check on a handgun transfer applicant from the Chief Law Enforcement Officer (CLEO) of the jurisdiction where the licensee operated. A handgun could be transferred when an approval was received by the dealer or if a notice of denial was not transmitted within five days by the CLEO.

The permanent provisions of the Act, 18 U.S.C. 922(t), continued the background check requirement for handgun transfer applicants and added checks on long gun transfer applicants. A handgun or long gun may be transferred under the permanent provisions if the dealer does not receive a notice of denial within three business days from the FBI or a State Point of Contact (POC) designated by state law. The National Instant Criminal Background Check System

(NICS) began operations on November 30, 1998, marking the beginning of the permanent Brady Act period.

During the first 20 years of the permanent Brady Act period from 1999 to 2018, background checks were conducted on over 237 million applications for firearm transfers or permits (**table 1**). Nearly 3.5 million applications were denied, a denial rate of 1.5%. The lowest number of applications in a full year was 7.7 million in 2000 and the highest was 19.2 million in 2016. The lowest number of denials in a full year was 126,000 in 2003 and 2004, and the highest was 265,000 in 2016. The lowest denial rate in a full year with complete data collection was 1.2% in 2012 and the highest was 2.4% in 1999.

TABLE 1. Estimated number of firearm applications and denials during the permanent Brady Act period, 1999–2018

	Applications	Denials	Percent denied
Total	237,246,000	3,463,000	1.5 %
1998 ^a	893,000	20,000	2.2
1999	8,621,000	204,000	2.4
2000	7,753,000	153,000	2.0
2001	8,068,000	150,000	1.9
2002	7,926,000	136,000	1.7
2003	7,883,000	126,000	1.6
2004	8,133,000	126,000	1.5
2005	8,324,000	132,000	1.6
2006	8,772,000	135,000	1.5
2007	8,836,000	136,000	1.5
2008	10,131,000	147,000	1.5
2009	11,071,000	150,000	1.4
2010	10,643,000	153,000	1.4
2011 ^b	12,135,000	160,000	1.3
2012	15,718,000	192,000	1.2
2013 ^b	17,602,000	193,000	1.1
2014	14,993,000	193,000	1.3
2015	16,610,000	226,000	1.4
2016	19,203,000	265,000	1.4
2017	17,163,000	237,000	1.4
2018	16,765,000	230,000	1.4

Note: Totals are rounded to the nearest 1,000. Details may not sum to totals due to rounding.

^aIncludes counts from November 30 to December 31, 1998, the first month of the National Instant Criminal Background Check System (NICS).

^bTotals for 2011 and 2013 were estimated. See *Methodology*.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics program, 1999–2018; and the FBI, National Instant Criminal Background Check System Transaction Statistics, 1998–2018.

Overview of NICS Procedures

The NICS allows an FFL to contact the FBI or a state point of contact (POC) agency for a background check after obtaining a completed Firearm Transaction Record (ATF form 4473) from a firearm transfer applicant. Form 4473 contains the applicant's name, description (e.g., date of birth, sex, race, state of residence, country of citizenship), and other information that may immediately identify an applicant as a prohibited person and negate the need to continue the check. When the NICS began operations, a check was initiated by telephone, with an electronic check (E-check) option added in 2002. The system is administered by the FBI's NICS Section.

An FFL is not required to contact the NICS if a purchaser presents a state permit qualified by ATF as an alternative to the point of transfer check. Qualified permits may only be issued after a state or local checking agency has conducted a NICS check and verified that the applicant's possession of a firearm would not violate state or federal law. These permits are valid for a maximum of 5 years from their issuance date and may only be used for firearm transfers in the state where the permit is issued. Permits that may be qualified are those required for purchase ("purchase permits") or concealed carry permits that may be used for a purchase ("exempt carry permits"). (See *State NICS Participation and Variations in Procedures* below.)

After searching applicable federal, state, and local prohibited person records, the NICS checking agency notifies the FFL that the transfer may proceed, is denied, or must be delayed pending further review of the applicant's record. Pursuant to the Brady Act, an FFL who has not received a "may not proceed" response within 3 business days of transmitting the applicant's information may transfer a firearm (but is not required to do so). An applicant who is denied a firearm transfer or permit may appeal to the POC that rendered the decision or to the FBI. Some jurisdictions allow a further appeal to a court. A denied person who submitted a false application or has an outstanding warrant may be subject to arrest and prosecution under federal or state laws (see *Actions Against Denied Persons* below).

Other Uses of the NICS

In addition to background checks on transfer applicants required by the Brady Act, the NICS is limited to providing information to criminal justice agencies in connection with the issuance of a firearm- or explosives-related permit or license, or responding to an inquiry from ATF in connection with a civil or criminal law enforcement activity relating to federal firearm laws (28 CFR § 25.6). Firearm-related permits include ATF-qualified alternative permits and other permits issued by state or local agencies. In addition to checks on new and renewed permit applicants, periodic checks (rechecks) may also be conducted on current permit holders.

State NICS Participation and Variations in Procedures

The Brady Act did not preempt state firearm laws and does not compel state participation in the NICS. Many states integrated their background check systems with the NICS, but others did not. Each state government determines the extent of its involvement, if any, in the NICS process. The levels of state involvement are:

- A full POC initiates a NICS check on all firearm transfers originating in the state.

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

A few states changed their level of NICS participation between 1999 and 2018. At yearend 1999, the FBI conducted all NICS checks for 24 states, with 15 states operating a full POC and 11 states operating a partial POC.³ At yearend 2018, the FBI conducted all NICS checks for 30 states, with 13 states operating a full POC and 7 operating a partial POC.⁴

During the 20-year period, the FBI conducted background checks on 129 million applicants for firearm transfers or permits, and state and local agencies conducted 109 million checks (**table 2**). The FBI denied almost 1.6 million applications, a denial rate of 1.2%; state and local agencies denied nearly 1.9 million applications, a denial rate of 1.7%.

TABLE 2. Firearm applications and denials, by type of checking agency and permit or check, 1999–2018

Type of checking agency and permit/check	Applications	Denials	Percent denied
National total	237,245,658	3,462,882	1.5 %
FBI total^a	128,661,487	1,596,966	1.2 %
State and local total (FIST)	108,584,171	1,865,916	1.7 %
State agencies	92,161,389	1,534,183	1.7
Instant checks	60,626,930	1,070,730	1.8
Exempt carry permits	10,293,105	131,658	1.3
Purchase permits	8,225,621	207,132	2.5
Other approvals	13,015,734	124,664	1.0
Local agencies ^b	16,422,782	331,732	2.0
Exempt carry permits	6,776,558	98,715	1.5
Purchase permits	7,547,775	213,437	2.8
Other approvals	2,098,450	19,582	0.9
Totals by type of permit or check			
Instant checks	60,626,930	1,070,730	1.8
Exempt carry permits	17,069,663	230,373	1.3
Purchase permits	15,773,396	420,569	2.7
Other approvals	15,114,184	144,246	1.0

Note: See *Terms and definitions* for explanations of types of checks. Details may not sum to totals due to rounding.

^aIncludes the District of Columbia and the five U.S. territories for which the FBI processed all background checks in the National Instant Criminal Background Check System (NICS).

^bTotals were estimated. See *Methodology*.

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics program and the FBI, National Instant Criminal Background Check System Transaction Statistics, 1999-2018.

³FBI, 1998–1999 NICS Operations Report, Appendix A, https://www.fbi.gov/file-repository/operations_report_98_99.pdf/view.

⁴2018 NICS Operations Report — FBI, p 4. In addition, the FBI conducted all NICS checks for American Samoa, District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and U.S. Virgin Islands.

The FIST data collection includes four types of state background checks and permits: instant checks, purchase permits, other approval, and exempt carry permits (see *Terms and definitions* in the appendix). A state may employ more than one type to determine buyer eligibility. Among the types used by state checking agencies from 1999 to 2018, instant check systems recorded the most applications (60 million) and denials (1 million) (table 2). Purchase permit applications had the highest denial rate (2.7%) for the period.

All state POC agencies conduct the standard NICS background check but enforce laws and employ procedures that may vary considerably from federal law and procedure. A state may opt to have all NICS checks conducted by a statewide agency or by multiple local agencies, such as county sheriffs or city police departments. Instead of following the Brady Act's 3 business-day rule, a state may allow more time to complete a check or require a longer waiting period before a firearm can be transferred. A POC agency may issue a permit to a prospective purchaser instead of conducting a point of transfer check. A state may require a transfer or permit applicant to undergo a background check that is separate from the NICS. Unlike federal law, some states regulate private firearm transfers (between two persons who are not licensed dealers) by requiring a purchase permit or a background check at the time of transfer.

Complete data from selected state agency reporters are available for the period 2012 to 2018.⁵ Among the states, California reported the most applications received (6.6 million), Tennessee reported the most denials (131,000), and North Dakota recorded the highest denial rate (5.4%) for the period (**table 3**).

⁵Not all states that reported data for 2018 are included in the table. Certain states that were not in the FIST sample for the entirety of the 2012 to 2018 period were excluded. (See *Methodology* for a list of excluded states.)

TABLE 3. Firearm applications and denials reported by selected state agencies, by type of permit or check and jurisdiction, 2012–2018

Type of permit/check and jurisdictions	Applications	Denials	Percent denied
Instant check	31,015,646	433,017	1.4 %
Colorado	2,510,067	50,705	2.0
Connecticut	899,954	1,073	0.1
Florida	6,287,451	83,979	1.3
Illinois	2,977,737	15,093	0.5
Nevada	761,678	13,758	1.8
New Hampshire	355,775	3,336	0.9
New Jersey	726,397	3,886	0.5
Oregon	1,893,102	11,890	0.6
Pennsylvania	6,317,505	74,596	1.2
Tennessee	3,405,847	130,886	3.8
Utah	731,508	13,368	1.8
Virginia	3,202,006	22,109	0.7
Wisconsin	946,619	8,338	0.9
Exempt carry	6,288,235	65,652	1.0 %
Arizona	464,541	3,420	0.7
Arkansas	320,123	8,346	2.6
Kansas	153,821	605	0.4
Kentucky	293,209	5,574	1.9
Michigan ^a	908,065	14,901	1.6
Minnesota ^a	389,221	3,369	0.9
Mississippi	107,800	276	0.3
Nebraska	108,929	784	0.7
North Dakota	73,036	3,941	5.4
South Carolina	538,175	8,207	1.5
Texas	1,929,912	8,417	0.4
Utah	966,537	7,352	0.8
Wyoming	34,866	460	1.3
Purchase permit	3,630,735	94,209	2.6 %
Connecticut	334,580	1,422	0.4
District of Columbia	11,457	82	0.7
Hawaii ^a	139,667	1,731	1.2
Illinois	1,594,985	58,911	3.7
Massachusetts ^a	542,617	14,586	2.7
Michigan ^a	394,000	8,980	2.3
New Jersey ^a	613,429	8,497	1.4
Other approval	7,150,505	63,131	0.9 %
California	6,602,384	58,580	0.9
Maryland	423,286	3,592	0.8
Rhode Island ^a	124,835	959	0.8

Note: Counts are from state agencies that reported data on firearm transfers or permits from their own background checks, unless otherwise noted. For more information on the years and states included, see *Methodology*.

^aCounts are from a state agency that compiled data on firearm transfers or permits from local checking agencies in the jurisdiction.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics program, 2012–2018.

From 1999 to 2008, local agencies in the FIST survey issued purchase and exempt carry permits and conducted other approval checks. Data from local reporting agencies in four population strata are available for 2012 to 2018 (except for 2013, which were estimated in their entirety; see *Methodology* for details) (**table 4**). For that period, exempt carry permits had the most applications (4 million), and purchase permits had the most denials (110,000) and the highest denial rate (4.4%). Checking agencies that served large metropolitan areas (populations of more than 200,000) had the highest denial rates for purchase permit, exempt carry permit, and other approval checks.

TABLE 4. Firearm applications and denials reported by local agencies, by type of permit or check and size of population served, 2012–2018

Type of permit or check and population served	Applications	Denials	Percent denied
Local agencies total	7,810,277	171,623	2.2 %
Purchase permits	2,473,754	109,875	4.4 %
Population served			
9,999 or fewer	199,958	3,014	1.5
10,000–99,999	970,759	39,293	4.0
100,000–199,999	490,141	22,670	4.6
200,000 or more	812,895	44,898	5.5
Exempt carry permits	4,084,334	49,762	1.2 %
Population served			
9,999 or fewer	128,014	994	0.8
10,000–99,999	1,795,807	18,734	1.0
100,000–199,999	805,637	10,049	1.2
200,000 or more	1,354,877	19,986	1.5
Other approval checks^a	1,252,189	11,986	1.0 %
Population served			
9,999 or fewer	51,199	354	0.7
10,000–99,999	486,510	3,381	0.7
100,000–199,999	141,846	708	0.5
200,000 or more	572,634	7,543	1.3

Note: Totals are from local agencies that reported data on firearm transfers or permits from their own background checks. No local agency data were collected for the year 2013. See *Methodology* for details.

^aAll other approvals were processed by local checking agencies in Washington.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics program, 2012–2018.

Reasons for Denial

Federal firearm prohibitions are the minimum standards nationwide. Many states have categories of prohibitions that differ from the federal categories, such as prohibitions on firearm transfers to persons who have committed juvenile or alcohol-related offenses. Overall, a felony conviction, indictment/information⁶/charge, or arrest was the most common reason (51%) for denial of a firearm transfer or permit application from 1999 to 2018 (**table 5**). The second most common reason overall was being a fugitive from justice or having an active warrant (10%), followed by state law prohibitions (over 9%) and domestic violence misdemeanor convictions (almost 9%). A felony conviction, indictment/information/charge, or arrest was the most common reason for denial by the FBI (56%), while non-felony reasons were the most common reason for denial for state agencies (56%) and local agencies (77%).

TABLE 5. Reasons for denial of applications for firearm transfers and permits, by type of checking agency, 1999-2018

Reason for denial	All checking agencies		FBI ^a		State		Local	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	2,577,006	100 %	1,596,966	100 %	871,214	100 %	108,826	100 %
Felony reasons^b	1,307,407	50.7 %	897,439	56.2 %	385,093	44.2 %	24,875	22.9 %
Non-felony reasons	1,269,599	49.3 %	699,527	43.8 %	486,121	55.8 %	83,951	77.2 %
Fugitive from justice/warrant	253,483	9.8	184,988	11.6	65,691	7.5	2,804	2.6
State law prohibition ^c	234,456	9.1	88,119	5.5	123,501	14.2	22,836	21.0
Misdemeanor conviction of domestic violence	228,806	8.9	145,826	9.1	69,526	8.0	13,454	12.4
Drug user/addiction	184,537	7.2	147,460	9.2	30,409	3.5	6,668	6.1
Protection/restraining order	101,186	3.9	60,254	3.8	37,358	4.3	3,574	3.3
Mental health commitment/adjudication	84,282	3.3	39,188	2.5	39,253	4.5	5,841	5.4
Illegal/unlawful entry into United States	35,814	1.4	26,058	1.6	9,061	1.0	695	0.6
Local law prohibition ^c	3,948	0.2	~	~	43	0.0	3,905	3.6
Other prohibitions ^d	143,087	5.6	7,634	0.5	111,279	12.8	24,174	22.2

Note: Reasons for denial were based on 18 U.S.C. § 922 and state laws. Totals were based on the state agency reporters and local agencies that reported counts on reasons for denial. Details may not sum to total due to rounding.

^aThe FBI began a new classification system in 2008 and reclassified all its denials from 1999 to 2008. The new system was used by the FBI to classify denials from 1999 to 2018.

^bFelony reasons includes three subcategories: conviction, indictment/information/charge, and arrest with no disposition. An information is a formal accusation of a crime. It differs from an indictment because it is made by a prosecuting attorney rather than a grand jury. State and local agencies' totals for the subcategories are not available for the 20-year period. The FBI felony reasons total includes 841,084 for conviction and 56,355 for indictment/information/charge. See *Methodology*.

^cState and local laws may impose prohibitions in addition to the federal prohibitions. Examples of these include prohibitions based on juvenile offense records, adjudications of delinquency, misdemeanor convictions for an offense other than domestic violence, and mental health orders that do not cause a federal prohibition.

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

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics program 1999–2018; and the FBI, National Instant Criminal Background Check System (NICS) Operations Report, 2018.

⁶An information is a formal accusation of a crime. It differs from an indictment because it is made by a prosecuting attorney rather than a grand jury.

Although felony reasons accounted for the most denials by all agencies during the 20-year period, the number of felony-related denials declined by 27% from 1999 to 2018, while the number of non-felony denials increased by 118% (**table 6**). Non-felony denials comprised 28% of total denials in 1999 and increased to 53% in 2018. The number of transfer and permit applications received by checking agencies nearly doubled (95%) from 1999 to 2018, with the number of denials increasing by only 13%. As a result, the rate of applications denied fell by 42%.

TABLE 6. Percent change in applications, denials, reasons for denial, and rates of denials, 1999–2018

	1999	2018	Percent change 1999–2018 ^a
Number of applications	8,621,000	16,765,000	94.5 %
Number of denials^b	204,000	230,000	12.7
For felony reason ^c	148,000	108,000	-27.0
For non-felony reason	56,000	122,000	117.9
Rate of applications denied^b	2.4 %	1.4 %	-41.7 %
For felony reason	1.7	0.6	-62.1
For non-felony reason	0.6	0.7	21.3
Percent of denials^b			
For felony reason ^d	72.5 %	47.0 %	-35.2 %
For non-felony reason	27.5	53.0	92.7

Note: Some checking agencies did not report reasons for denial. Totals are rounded to the nearest 1,000 and may not sum to totals in other tables. For information on sample designs and agencies that reported data, see *Methodology*.

^aPercent change is calculated by the following formula: $100 \times (2018 \text{ value} / 1999 \text{ value} - 1)$.

^bSee table 5 for felony and non-felony reasons for denial.

^cThe total number of felony denials is estimated by multiplying the percentage of denials for felony reasons by the total number of denials.

^dThe percentage of denials for felony reasons is estimated by dividing the reported number of denials for felony reasons by the total number of denials.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics program, 1999 and 2018; and the FBI, National Instant Criminal Background Check System Transaction Statistics—Federal Denials, 1999 and 2018.

Actions Against Denied Persons

As stated above, a firearm may be legally transferred before a NICS checking agency resolves a question about an applicant’s record. Even if three business days have passed, the FBI will continue to research record questions. If the applicant is subsequently found to be prohibited and has received a firearm, a “delayed denial” referral is made immediately to ATF’s Denial Enforcement and NICS Intelligence (DENI) Branch. FBI denials made within the three-day limit (“standard denials”) are also referred. The DENI Branch screens delayed and standard denials in accordance with guidelines set by ATF and U.S. Attorneys. Cases that meet guidelines are referred to ATF field divisions (and then to field offices) for further investigation. Delayed denial cases are given priority and may result in firearm retrievals by ATF. The field offices refer meritorious cases to U.S. Attorneys for possible prosecution.

The FBI referred over 1.7 million denials to ATF’s DENI Branch from 1999 to 2018 (**table 7**). The DENI Branch screened nearly 210,000 NICS denials (12% of all denials) that were subsequently referred to ATF field divisions for further investigation. Of the referred denials, nearly 62,000 were delayed denials and nearly 148,000 were standard denials. Over 65,000 cases (31%) were referred due to a denied person’s felony conviction record and nearly 52,000 cases

(25%) were referred due to a domestic violence misdemeanor conviction. State POC agencies also refer denial cases to ATF or to state or local law enforcement for further investigation and possible firearm retrieval or prosecution.

TABLE 7. Bureau of Alcohol, Tobacco, Firearms, and Explosives' investigation of denials referred by the Federal Bureau of Investigation, 1999–2018

	Total	Percent	
Total FBI denials referred to ATF's DENI Branch	1,706,887	100	%
DENI Branch referrals to ATF field divisions			
Referred to field	209,507	12.3	%
Delayed denials	61,981	3.6	
Standard denials	147,526	8.6	
Not referred to field	1,399,095	82.0	
Not referred and overturned	97,810	5.7	
Canceled or awaiting response ^a	475	--	
Reasons for referrals to ATF field divisions			
Convicted felon	65,429	31.2	%
Domestic violence misdemeanor	51,612	24.6	
Subject to protective order	39,634	18.9	
Under felony indictment/information ^b	15,236	7.3	
Fugitive from justice	11,369	5.4	
Unlawful user of controlled substance	10,964	5.2	
Illegal/unlawful alien	8,043	3.8	
Adjudicated mentally defective	4,606	2.2	
State prohibition	1,680	0.8	
Other reasons	934	0.4	

/Note: Details may not sum to totals due to rounding.

--Less than 0.05%.

^aNICS checks that should not have been conducted and were canceled by the FBI and cases where DENI was awaiting a response from a court or a law enforcement agency.

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

Source: Bureau of Justice Statistics, based on data from Bureau of Alcohol, Tobacco, Firearms, and Explosives, Denial Enforcement and NICS Intelligence Branch, Firearm Denial Statistics, 1999–2018.

Prohibited Person Records

During a NICS check, the FBI or state POC searches for prohibiting records in three databases (and a fourth if applicable):⁷

- The FBI's Interstate Identification Index (III) maintains individual fingerprint-supported criminal history records.
- The FBI's National Crime Information Center (NCIC) contains data on persons who are subject to protection orders or active criminal warrants, immigration violators, known or suspected terrorists, sex offenders, and others.

⁷FBI, 2018 NICS Operations Report, p 1, <https://www.fbi.gov/file-repository/2018-nics-operations-report.pdf/view>.

- The FBI's NICS Indices (formerly Index), a database created specifically for the NICS, collects and maintains data (usually not available via III or NCIC) contributed by federal, state, local, and tribal agencies on persons prohibited from receiving or possessing a firearm pursuant to federal or state law.
- The Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) databases contain data on non-U.S. citizens and are searched when an applicant is not a U.S. citizen.

The FBI created a new file structure for the NICS Index in 2008, with a separate file for each federal firearm prohibition. A state law prohibition file was added in 2012. From 2008 to 2018, the total number of prohibited person records increased by 252% in the Index/Indices, from nearly 5.5 million to over 19.3 million (**table 8**). The largest file in the database contained nearly 8 million illegal/unlawful entry records at yearend 2018, and the second-largest file contained almost 6 million adjudicated mental health records. Only the fugitive from justice file showed a decrease in the number of records from 2008 to 2018, due to new guidance from the FBI on the criteria for a prohibiting fugitive record.⁸

⁸Stark-Nutter, R. A. (2017, February 15). New guidance regarding persons who are fugitives from justice [FBI memorandum to CJIS systems officer and state points of contact]. <https://www.documentcloud.org/documents/3493269-Fugitive-From-Justice-Guidance-State.html>.

TABLE 8. Prohibited person records in the National Instant Criminal Background Check System Indices, 2008–2018

Type of record	December 31, 2008			December 31, 2018			Percent change ^c
	Submissions			Submissions			
	Total	Federal ^a	State ^b	Total	Federal ^a	State ^b	
Total	5,483,941	1,185,471	4,298,470	19,318,610	9,595,006	9,723,604	252%
Felony conviction	250,188	247,062	3,126	3,971,721	1,264,993	2,706,728	1487%
Under indictment/information ^d	230	17	213	130,040	43,629	86,411	56439%
Fugitive from justice	349,029	343,173	5,856	1,989	1,949	40	-99%
Unlawful user/addicted	5,601	4,439	1,162	45,152	23,606	21,546	706%
Adjudicated mental health	648,120	531,295	116,825	5,669,909	250,015	5,419,894	775%
Illegal/unlawful entry into United States	4,109,873	41	4,109,832	7,905,804	7,904,839	965	92%
Dishonorable discharge	15,871	4	15,867	16,543	16,458	85	4%
Renounced U.S. citizenship	13,623	1	13,622	46,560	46,527	33	242%
Protection/restraining order	1,056	955	101	73,288	556	72,732	6840%
Domestic violence misdemeanor	46,286	19,982	26,304	175,376	33,487	141,889	279%
Denied persons ^e	44,064	38,502	5,562	~	~	~	~
State prohibition ^f	~	~	~	1,282,228	8,947	1,273,281	~

Note: The National Instant Criminal Background Check System Indices (formerly Index) are used exclusively for NICS checks and contains records of persons who are prohibited by federal or state law from receiving or possessing a firearm. A new file structure was created in 2008.

~Not applicable.

^aIncludes submissions from federal agencies, U.S. district courts, tribal agencies, and the District of Columbia.

^bState totals include U.S. territories.

^cPercent change is calculated by the following formula: $100 \times (2018 \text{ total value} / 2008 \text{ total value} - 1)$.

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

^eDiscontinued in 2015; records reclassified to other files.

^fFile was created in 2012.

Source: FBI, National Instant Criminal Background Check System Indices, 2008 and 2018.

A state POC agency may search additional records that are only available within its jurisdiction. NICS checking agencies also obtain paper records from courts, police departments, and other agencies when necessary.

Methodology

Data in this report were collected and prepared by the Regional Justice Information Service (REJIS) for the FIST program through cooperative agreements with the Bureau of Justice Statistics (BJS). The following describes the general methodology utilized from 1999 to 2018. For each year's specific methodology, please see the BJS Firearm Inquiry Statistics (FIST) program webpage.⁹

REJIS collected firearm transfer and permit data for the 20-year period mainly from three types of sources:

⁹<https://bjs.ojp.gov/data-collection/firearm-inquiry-statistics-fist-program>.

- **FBI federal data**—included states and other U.S. jurisdictions that relied on the FBI to conduct NICS checks on all handgun and long gun transfer applicants, plus states that relied on the FBI to conduct checks only on long gun transfer applicants.
- **State agency reporters**—included agencies that conducted background checks on firearm transfer or permit applicants, or compiled data (from local agencies) for their entire jurisdiction.
- **Local checking agencies**—included law enforcement, court, and county clerk agencies that conducted background checks on firearm transfer or permit applicants, issued permits, or kept records on applications and denials (and did not report counts to a state-level entity).

More than one source was used for many states due to multiple types of checks and checking agencies. The number of states in the data collection sometimes varied from year to year. For example, REJIS collected data from 38 states for 1999 and from 43 states for 2018. In addition to data from the sources explained above, REJIS collected data from ATF on screening and investigation of FBI denials.

FIST survey universe

The number of agencies in the universe for the FIST data collection varied from year to year, but generally was about 3,000 or more. REJIS updated the universe by researching federal and state law changes, and by reviewing agency or member lists maintained by the FBI and by sheriff, police chief, and judge associations. Information was also gleaned from agencies that responded to the FIST survey and from other BJS law enforcement surveys.

Sampling strategies

Data were requested each year from all state reporting agencies in the universe. REJIS either sent a survey form or obtained a report from the internet or directly from the state agency. All local checking agencies were surveyed in states with generally 100 or less such agencies (referred to as enumerated states). Samples were drawn for states with larger numbers of local checking agencies.

REJIS created stratified samples based on population. Before 2012, three strata consistent with those found in FBI surveys were used:

- Stratum 1: rural—population of fewer than 10,000
- Stratum 2: small cities/counties—population between 10,000 and 99,999
- Stratum 3: large cities/counties—population of 100,000 or more.

For 2012 and subsequent years, Stratum 3 was divided to achieve consistency with definitions of various census place levels. The two new strata were:

- Stratum 3: small metropolitan areas—population between 100,000 and 199,999
- Stratum 4: large metropolitan areas—population of 200,000 or more.

Collection methods

Beginning with the 2014 survey, REJIS expanded the number of forms deployed to incorporate state-specific terminology wherever necessary. As many as 15 separate forms were deployed for some years, producing questions that were more easily understood by survey respondents. Prior to the 2012 survey, responding agencies could submit data to REJIS by regular mail, email, fax, or telephone. A secure web-reporting option was added for the 2012 survey. Agencies that did not respond to an initial survey mailing were contacted again (and multiple times if necessary) by regular mail, email, or telephone. Data were also obtained from state agency internet and internal reports, when available, instead of by survey.

Estimation

REJIS summed state agency counts, state estimates (for states with local checking agencies), and the FBI's federal NICS transaction data to estimate the total number of firearm transfer and permit applications received and denied nationally. REJIS applied design weights and nonresponse adjustment factors for enumerated and sampled local agencies to generate estimates of the number of applications and denials for each state from 2012 to 2018. For years before 2012, REJIS generated a combined estimate of applications and denials for all states with local checking agencies. In any year, if a state agency did not provide application or denial data, its missing totals were estimated.

For greater detail about weighting and estimation methods, please refer to the *Background Checks for Firearm Transfers* series of reports.¹⁰ Final samples vary from year to year as indicated in the methodology sections of the reports covering all of the FIST years.

Analyzing reasons for denial

Each edition of the FIST survey during the 20-year period requested reasons for denials of transfer and permit applications. Surveys for years before 2012 listed 10 categories that included the most common reasons for denial and closely matched federal prohibitions. State law, local law, and an "other" category were also included. Beginning with the 2012 survey, 12 categories were listed because the felony category was divided into 3 categories: felony convictions, felony indictments/information/charges, and felony arrests without a disposition. Agencies that received the survey were asked to record each denial in the most appropriate category. When REJIS obtained denial data from an agency's website or internal report that did not closely match with a FIST category, REJIS determined which denial category best matched the reported reason and verified the classification with the responding agency.

Some state and local agencies provided more than one reason for some denials, while others provided reasons for only some denials, and some did not provide reasons for any denials. Due to the high item nonresponse and variation in the way reasons for denial were reported, REJIS calculated a simple estimation for the number of reasons for denial by local agencies. Estimates used the agency base weight rather than the final weight that was applied to all other local agency estimates. This was done to better align responses from sampled agencies with those

¹⁰https://bjs.ojp.gov/library/publications/list?series_filter=Background%20Checks%20for%20Firearm%20Transfers.

from states in which a census of agencies was conducted. FBI and state agency reasons for denial counts were reported and no estimates were generated.

Data presentation limits

Data from individual state agency reporters (table 3) and local checking agencies by population strata (table 4) is presented only for 2012 to 2018. One of the reasons for this is that 2012 to 2018 were the most consistent reporting years. Second, due to a redesign in 2011, no data were collected for that year and aggregate totals were estimated. Totals were estimated only for aggregate permit-level totals for states and local agencies.

For table 3, only states that were consistently a part of the FIST universe for the 2012–2018 time frame are included since summary totals for states are presented. The state agency for Delaware (instant check) was excluded because its last year in the sample was 2012. Other states that joined at various points between 2012 and 2018 are also excluded. These include the exempt carry permit totals for the states of Alaska (entered sample in 2013), Louisiana (entered sample in 2015), and Ohio (entered sample in 2016), and the purchase permit totals for the state of Maryland (entered sample in 2013). Maryland was in the sample for their “Other Approval” checks throughout the 2012–2018 period and is included in table 3 in this category.

Because 2013 data were available for states but not local agencies, local by-permit totals were estimated. For a complete explanation of by-permit totals estimation for local 2013 data, see *Background Checks for Firearm Transfers, 2013–2014 – Statistical Tables* (NCJ 248849, BJS, June 2016).¹¹ In order to produce local agency estimates for permits by population stratum, further estimations were made to impute values to the population stratum. The mean number of applications and denials from 2012 and 2014 were used to create a distribution ratio, which was then multiplied by the total number of applications and denials to generate by stratum permit type estimates.

¹¹<https://bjs.ojp.gov/library/publications/background-checks-firearm-transfers-2013-2014-statistical-tables>.

Appendix

Changes to federal and state firearm transfer laws, 1999–2018

Numerous federal and state laws and regulations related to firearm transfers were newly enacted, amended, or repealed during the first 20 years of the permanent Brady Act period. Among federal law changes (**appendix table 1**), enactment of the NICS Improvement Amendments Act (NIAA) in January 2008 appeared to have the greatest impact on state legislative activity. In addition to requiring federal agencies to send records to the FBI, the NIAA provides financial assistance to states and tribes to improve information systems, contingent upon sharing of prohibited person records with the FBI and establishing procedures for restoring rights to persons prohibited from firearm possession by mental health disabilities. In 2018, the U.S. Congress enacted the Fix NICS Act, which strengthened federal agency record reporting procedures and required each state and tribal government to develop a record reporting implementation plan.

APPENDIX TABLE 1. Summary of changes in federal laws and regulations related to firearm transfers, January 1, 1999 to December 31, 2018

Subject of new or amended law or regulation	Year
The Fix NICS Act, part of the Consolidated Appropriations Act, strengthened requirements for reporting of firearm prohibiting records to the NICS by federal agencies. The NARIP and NCHIP funding programs were reauthorized. The U.S. Attorney General is required to coordinate a record reporting implementation plan with each state and tribal government and determine if each such government is in compliance with its plan.	2018
The FBI issued new guidance on interpreting the fugitive from justice prohibition defined at 18 U.S.C. 921(a)(15). The prohibition applies if a prospective firearm purchaser has fled a state to avoid prosecution or testifying in a criminal proceeding and is subject to a current or imminent obligation.	2017
Congress nullified a Social Security Administration rule that required providing records to the NICS on persons who have a representative payee due to mental incapacity.	2017
The NICS Improvement Amendments Act required federal agencies to provide records to the FBI. States and tribes and their courts may be provided financial assistance to improve information systems, contingent upon sharing of prohibited person records with the NICS. Grant eligibility was conditioned upon states establishing procedures for restoring rights to persons prohibited from firearm possession by mental health disabilities.	2008
The definition of "misdemeanor crime of domestic violence" was amended to include a tribal law misdemeanor. A person who has been convicted of such an offense is prohibited from shipping, transporting, possessing, or receiving a firearm in interstate or foreign commerce.	2006
The prohibition on the manufacture, transfer, and possession of semiautomatic assault weapons and large capacity ammunition feeding devices expired.	2004
A new law required destruction of identifying data from an allowed NICS transaction within 24 hours after a dealer is notified of the decision, except in states where a different retention period is mandated by law.	2004
A federal ban was renewed on firearms not detectable by walk-through metal detectors or airport x-ray machines.	2003
The ATF firearms division, formerly within the Treasury Department, became part of the Department of Justice.	2003
The NICS initiated a procedure to query Bureau of Immigration and Customs Enforcement (ICE) databases when a firearm applicant is not a citizen of the United States.	2002
An amended NICS regulation reduced, from 180 days to 90 days, the period during which limited approval data may be retained for system auditing.	2001

From 1999 to 2018, 42 states enacted laws intended to improve reporting of mental health records to a state repository or the FBI, and 32 states enacted laws that allowed for relief from mental health disabilities (**appendix table 2**). Most of the reporting and relief laws were enacted after passage of the NIAA. Other frequent topics of changes included laws that prohibited firearm possession by persons who were restrained from domestic violence by a court order (28 states), convicted of a crime of domestic violence (27 states) or the subject of a mental health commitment or adjudication (20 states).

APPENDIX TABLE 2. Summary of changes in state laws related to firearm transfers, by topic and state, January 1, 1999 to December 31, 2018	
Topic and states of new, amended, or repealed laws¹	Number of states²
Records of prohibited persons	
Improved reporting of mental health records to state or FBI	42
AK AL AR AZ CA CO DE FL GA HI IA IL IN KS KY LA MA MD ME MN MO NC ND NE NJ NM NV NY OH OK OR PA RI SC SD TN TX UT VA VT WA WV	
Improved reporting of domestic violence records to state or FBI	17
CT GA IL LA KS MA MT ND NH NJ NM NY OK OR TX UT WV	
Improved reporting of other records to state or FBI	15
AL CA CO CT GA ID IL IN LA MA MN NJ UT VT WA	
Restoration of firearm rights	
Allowed relief from mental health disabilities	32
AK AL AZ CO CT DE FL HI IA ID IN KS KY LA ME MN MO NC ND NJ NM NV NY OR RI TN TX UT VA VT WA WV	
Expanded relief from other disabilities	10
AZ ID IN MA MT NC NE TX VA WY	
Restricted relief from disabilities	4
ID LA MN OH	
Changes to relief procedures	4
PA SC VA WA	
Persons prohibited from buying or possessing firearms	
Restrained by court order	28
AL CA CT DE FL IA IL IN KS LA MD MN NE ND NH NJ NV OH OR PA RI SC TX UT VA WA WI WV	
Domestic violence conviction	27
AL CA DE HI IA IL IN KS LA MD ME MN NE NC NJ NV OR PA RI SC SD TN TX UT VT WA WV	
Mental health commitment or adjudication	20
AL AZ CA CT DE FL HI LA IL MD ME ND NJ NV NY OH OR SC VA WA	
Minors (under age)	15
AL AZ CA CT DE FL HI LA IL MD ME ND NJ NV NY OH OR SC VA WA	
Felony conviction	13
ID IN KS LA MO NC NM NV NY OR TN SC VT	
Convicted of other specific offenses	12
AL CA FL HI LA ME MN ND NE OH PA SD	
Extreme risk protection order	11
CA DE FL IL MA MD NJ OR RI VT WA	

Adjudicated delinquent or committed juvenile offense	10
CA IL IA KS MD NE NJ OK UT VA	
Aliens - illegal or non-immigrant	7
AZ IN KS ME NV NY VA	
Drug or alcohol addicts or offenders	7
LA MD ME NV PA UT WY	
Federal prohibitions incorporated into state law	7
CA CT GA HI IA WA WV	
Straw purchase (on behalf of prohibited person)	6
CO GA IL NV NY WI	
Fugitives from justice	5
KS MA ME NV NY	
Exceptions to prohibitions	4
IA NC ND VA	
Arrested or indicted for or charged with crime	3
CO NV TN	
Dishonorable discharge	3
MA ME NY	
Renounced citizenship	3
MA ME NY	
Repeal of drug or alcohol prohibition	2
OH RI	
Terrorist watch list	1
NJ	
Resident/nonresident long gun transfer rules - amend or repeal	23
AR CO GA IA ID IL IN KY LA MI MO NC ND NM NV OH OK SC SD VA VT WI WY	
Background checks processing	
Use of the NICS required	17
AL GA HI IA IN KY LA MI MN NC ND NE NV OH SD WV WI	
Private transfer checks authorized	11
CO CT DE IL MA NJ NV NY OR VT WA	
POC checks or other checks discontinued	6
AZ DE GA IN SC VT	
Gun show checks authorized	5
CO CT IL NY OR	
Notice of denied person required	5
HI LA OR TN WA	
Time allowed for checks increased	3
DE WA WI	
Sunset date of State instant check extended or eliminated	2
CO FL	
Addition of long gun checks by State agency	1
OR	

(continued on next page)

Time allowed for checks reduced	1
KY	
Permits to purchase or carry	
Qualified as NICS alternative by ATF ³	14
AK AL AR GA KS KY LA MI ND NE NV OH SD WV	
New carry permit law enacted	8
IL KS MN MO NE NM OH WI	
Disqualified as NICS alternative by ATF ³	5
GA IL IN NV NY	
Change in scope, duration, or procedure	4
IA ME MI NE	
New purchase permit law enacted	2
CT MD	
Permit requirement repealed	2
MA MO	
Prohibited firearms and accessories	
Bump stocks or trigger cranks	11
CA CT DE FL HI MA MD NJ RI VT WA	
Assault weapons	6
CA CT MA MD NJ NY	
Exceptions to prohibitions	6
IA MI MO TN TX WA	
Other prohibited weapons	5
AR CT IL NJ NV	
Large capacity magazines	3
CA NJ VT	
Repeal of unsafe handgun law	1
SC	
False application penalty enacted	10
AL AR IA IN KY LA MO MS NC OK	
Exemption from regulation for certain firearms	7
AK AR ID MT SD UT WY	
Retention of records	
Amendment or repeal of retention requirement	7
AL DE IN ME NH SC SD	
New permit database authorized	1
NY	
Fees for background checks or permits	
New or increased fees	6
CA CO CT IL OR WI	
Fees reduced or prohibited	3
FL MI NV	

(continued on next page)

Waiting period for transfer of firearm	
New or extended waiting period	4
CA FL IL WA	
Repeal of waiting period	4
AL CT SD WI	
Other changes	
Appeals of purchase or permit denials - new procedures	5
DE IL MI PA TN	
Registration requirements - new	4
CA HI MD NY	
Handgun purchases limited to one per month	2
CA NJ	
One-per-month handgun purchase limit repealed	2
VA SC	
Registration requirements repealed	1
NV	

¹Topics of changes that appeared to have a minor impact were omitted.

²A state is only counted once in each category even if it passed more than one law on the topic.

³Two states' permits were disqualified but later reinstated as qualified.

Terms and definitions

Application—Information submitted to a checking agency about a prospective firearm purchaser to determine if the individual is disqualified from receiving a firearm or obtaining a permit to receive a firearm under state or federal law. A prospective firearm purchaser or a firearm seller may submit the information to a checking agency.

Checking agency—The FBI or a state or local governmental agency that conducts background checks in the National Instant Criminal Background Check System (NICS) or state records. Checking agencies are typically law enforcement agencies.

Denial—A decision by a checking agency to prohibit an applicant from receiving a firearm or a state permit to receive a firearm because a disqualifying factor was found during the background check.

Federal Firearms Licensee (FFL)—A firearm seller, also known as a federally licensed firearms dealer, that is licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to buy, sell, and transfer firearms. All entities that regularly engage in firearms sales must be FFLs. They must also enroll in NICS if they reside in states where FFLs contact the FBI, instead of state points of contact (POCs), to request NICS checks.

Firearm—Any weapon that is designed 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 using a single hand, such as a pistol or revolver.

Long gun—A firearm that has a barrel length of about 30 inches to improve accuracy and range, commonly has a shoulder butt, and is designed to be fired with two hands, such as a rifle or shotgun.

National Instant Criminal Background Check System (NICS)—A national system administered by the FBI that checks available federal, state, local, and tribal records to determine if prospective firearm purchasers are disqualified from receiving firearms.

Private transfer—A firearm transfer between two people who are not FFLs.

State permit or check types: States use four methods to approve a prospective purchaser to receive a firearm. A state may use one or more of these methods depending on the type of firearm being transferred and relevant state law.

Exempt carry permit—A permit issued by a state or local checking agency after a successful NICS check that exempts the holder (for up to 5 years under an ATF regulation or state law) from a new background check when presented to a seller (an FFL or, in some states, a non-FFL seller) for a firearm transfer.

Instant check—A background check system that requires a seller to transmit a prospective purchaser's information to a checking agency by telephone or computer and the agency to respond immediately or as soon as possible.

Other approval—A background check system that requires the seller to transmit the prospective purchaser's information to a state or local checking agency by telephone or other means and the agency to respond within an established time limit.

Purchase permit—A government-issued document (such as a permit, a license, or an identification card) that is issued by a state or local checking agency after a background check and must be presented to a seller for a firearm transfer.

State point of contact (POC)—An agency designated by state law to access NICS for checks for applications originating in its state.

Transaction—An inquiry to NICS about a prospective firearm purchaser.

Transfer—The physical change in possession of a firearm from one person to another, whereas a purchase is the exchange of money for a firearm.