



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Washington, DC 20226

JAN - 5 2006

OPEN LETTER TO ALL NEVADA FEDERAL FIREARMS LICENSEES

The purpose of this letter is to advise you of an important change to the procedure you may follow beginning January 5, 2006. On this day, Nevada's Carry Concealed Weapon (CCW) permit will again qualify as an alternative to a National Instant Criminal Background Check System (NICS) check. Accordingly, the October 17, 2005 Open Letter to Nevada Federal Firearms Licensees (FFLs) is superseded.

BACKGROUND

The permanent provisions of the Brady Law took effect on November 30, 1998. The Brady Law generally requires licensed dealers to initiate a NICS background check through the FBI (or the State in a Point of Contact State) before transferring a firearm to an unlicensed individual. However, the Brady Law contains a few exceptions to the NICS check requirement, including an exception for holders of certain State permits to possess, carry, or acquire firearms.

In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) sent an Open Letter to all Nevada FFLs advising them that the Nevada CCW permit would qualify as an alternative to the background check required under the Brady Law. ATF's recognition of these permits as a Brady alternative was based on the fact that Nevada conducted background checks through NICS prior to the issuance or renewal of these permits, and denied a permit to anyone prohibited under Federal, State, or local law.

In March 2004, ATF began a review of all States that had permits that qualified as NICS check alternatives to determine if they still qualified. In May 2005, we informed Nevada State officials that Nevada no longer met the qualifications. Nevada initially was not able to adequately address the deficiencies of the Nevada CCW permit in meeting the statutory and regulatory requirements for qualifying as a NICS alternative. Accordingly, on October 17, 2005, we sent an Open Letter to Nevada FFLs stating that effective October 19, 2005, the CCW permit no longer qualified as a NICS check alternative.

Since this time, the Nevada Department of Public Safety and the Nevada County Sheriffs have entered a Memorandum of Understanding addressing the Nevada CCW shortcomings in qualifying as a NICS alternative. Accordingly, the permit again qualifies.

HOW THIS AFFECTS FFLS

Beginning January 5, 2006, if an unlicensed person presents you with a Nevada CCW permit, no NICS check is necessary. However, the required information about the permit must be recorded in question 23 of the ATF Form 4473, Firearms Transaction Record.

If you have any questions, please contact ATF's Brady Operations Branch at 304-260-3860 or call the Firearms Programs Division at 202-927-7770. As always, we thank you for your cooperation.

A handwritten signature in cursive script that reads "Lewis P. Raden".

Lewis P. Raden
Assistant Director
(Enforcement Programs and Services)