



Bureau of Justice Statistics Bulletin

June 2000, NCJ 180882

Background Checks for Firearm Transfers, 1999

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On November 30, 1998, the permanent provisions of the Brady Handgun Violence Prevention Act (P.L. 103-159, 1993) became effective. The interim system had lasted from February 29, 1994, through November 29, 1998, and applied to handgun purchases from licensed firearm dealers.

The permanent provisions of the Brady Act require background checks of applicants for transfer of both handguns and long guns from a Federal firearms licensee (FFL). Transfers requiring checks now include pawnshop transactions as well as purchases from retail gun shops. The minimum check required by the permanent provisions is the FBI's National Instant Criminal Background Check System (NICS).

This Bulletin presents findings from the Firearm Inquiry Statistics (FIST) program. Included are background checks conducted by State and local points of contact (POCs), by other checking agencies (such as those that check backgrounds of permit applicants), and by the FBI. Also provided are estimates of rejection rates and the bases for rejections under the Brady Act and State laws.

Highlights

Background checks of applications for firearm transfers since implementation of the Brady Act

	1994 ^a -99	1998	1999		
	National total	National total	National total	State and local checks	Federal/NICS checks ^b
Applications and rejections					
Applications received	22,254,000	3,277,000	8,621,000	4,083,000	4,538,000
Applications rejected	536,000	90,000	204,000	123,000	81,000
Rejection rate	2.4%	2.7%	2.4%	3.0%	1.8%

Note: All counts are rounded.

^aThe Brady Act became effective on February 29, 1994, and data collection began on March 1, 1994. Data through November 29, 1998, are primarily for handguns.

^bApplications are from the FBI's *National*

Instant Criminal Background Check System (NICS) Operations Report (November 30, 1998 - December 31, 1999), published March 1, 2000. Rejections are an estimate based on 12 out of the 13 months reported in the *NICS Operations Report*.

- From the inception of the Brady Act on March 1, 1994, to December 31, 1999, about 22 million applications for firearm purchase or pawn transaction were subject to background checks of applicants. About 536,000 were rejected.

- In 1999 alone, 204,000 (2.4%) of approximately 8,621,000 applications for firearm transfer were rejected by the FBI or State and local agencies.

- Over half of the applications for firearm transfers were checked directly by the FBI, while the remainder of applications were checked by State or local agencies.

- The rejection rate was lower in States where background checks

were conducted only by the FBI (1.8%) as opposed to States where points of contact were responsible for background investigations (3.0%).

- Two-thirds (68%) of the Nation's population lived in the 26 States that served as POCs for handgun checks.

- Among State and local agencies, about 73% of the rejections were for a felony conviction or indictment, 11% for a disqualifying domestic violence conviction or restraining order, and about 4% for State or local law prohibitions. The FBI's rejections included a slightly higher percentage based on the finding of a domestic violence conviction or restraining order (15%).

National estimates

Information in this Bulletin is based on a survey of 19 single State POCs and over 500 local checking agencies in 15 States. Statistics are also included from FBI data on the inquiries passing through the NICS operations center.¹

When a background check finds evidence of disqualifying factors, an application is rejected. (See *Definitions* in *Methodology* on page 8 for more detail.) The estimates of rejection rates and reasons for rejection of purchase applications for firearms by State POCs or local checking agencies were

¹The number of background checks handled by State POCs as reported in the FBI's *National Instant Criminal Background Check System (NICS) Operations Report (November 30, 1998-December 31, 1999)*, published March 1, 2000, are higher than the estimates reported here because multiple inquiries for the same application (which may be done at the discretion of the agency) are deleted from BJS' FIST data.

Table 1. Number of applications and estimates of rejections for firearm transfer, 1994-99

	Number of applications		Rejection rate
	Received	Rejected	
Total	22,254,000	536,000	2.4%
Interim period	12,740,000	312,000	2.5%
1994 ^a	2,483,000	62,000	2.5
1995	2,706,000	41,000	1.5
1996	2,593,000	70,000	2.7
1997	2,574,000	69,000	2.7
1998 ^b	2,384,000	70,000	2.9
Permanent Brady	9,514,000	224,000	2.4%
Dec. 1998 ^c	893,000	20,000	2.2
1999 ^d	8,621,000	204,000	2.4

Note: Counts are rounded. In 1994 and 1995 the estimate of firearm applications was based on 67% of "F" counts, and the rejection rate was that of previously implemented State check systems. The NICS replaced "F" code inquiries. Counts prior to November 30, 1998, and after December 31, 1998, are FIST estimates.

^aMarch 1-December 31, 1994.

^bJanuary 1-November 29, 1998.

^cNovember 30-December 31, 1998. Counts are from the *National Instant Criminal Background Check System (NICS) Operations Report (November 30, 1998 - December 31, 1999)*, and may include multiple transactions for the same application.

^dApplications are the sum of State and local FIST estimates and Federal inquiries in the *NICS Operations Report*. Rejections are the sum of State and local rejections plus an estimate based on 12 of the 13 months reported in the *NICS Operations Report*.

derived from FIST data. These can be compared to the reasons for rejection by the FBI.

In addition, FIST collected statistics about applications for both purchase permits and ATF-exempt carry permits.

The FBI processed over 4.5 million applications for firearm transfers in 1999, while State and local checking agencies processed an additional 4 million (*Highlights* table). (See *Appendix A* for details of State participation.)

More than twice as many applications were filed in 1999 as in 1998 (table 1). This increase can be attributed in large part to the permanent Brady requirements that background checks be conducted for the transfer of long guns as well as handguns, and at pawn shops in addition to retail stores.

As reported by the FBI, the number of NICS transactions conducted during December 1998, the first month of the permanent provisions, was higher than the monthly average for January through November of 1999 (figure 1). Similarly, the over 1.2 million NICS transactions conducted in December 1999 was the highest monthly number for 1999.

Rejection rates

The rate of rejection in the first year of permanent Brady (2.4%) was similar to the rejection rate during the interim Brady period (2.5%) (table 1). The overall rate of rejection of potential firearm transfers takes into account the FBI and the aggregate of State and local agencies that retain responsibility for running background checks on firearm applications.

In 1999 the FBI rejected 81,000 applications, a 1.8% rejection rate, while State and local agencies rejected 123,000, a rate of 3.0% (*Highlights* table). Together, approximately 204,000 applications for firearm transfer were rejected in 1999, a rate of 2.4%.

States conducting background checks may have the ability to access State and local files not available to the FBI.

Applications for firearm transfers peak in December

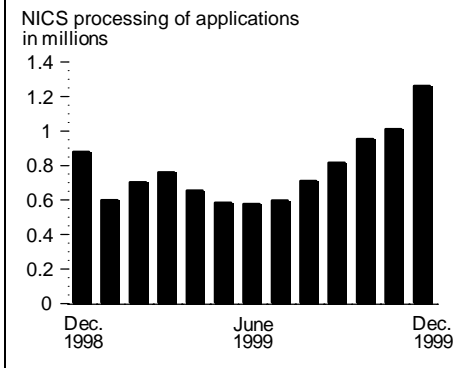


Figure 1

In 1999 all State POCs accessed computer databases that record past felony convictions, and many accessed databases with other disqualifying information such as fugitive status, court restraining orders, mental illness, and domestic violence misdemeanor convictions.

Some States retained data that pertained to their own prohibitions and that the FBI did not access. In some States, courts or other local agencies

Table 2. Estimates of applications and rejections, by type of approval system among State and local agencies, 1999

	Number of applications		Rejection rate
	Received	Rejected	
State/local total	4,083,315	123,455	3.0%
State instant approvals ^a	2,446,524	93,762	3.6
Purchase permits	599,953	14,468	2.4
Exempt carry permits ^b	143,815	3,085	2.1
Other approvals ^c	596,023	5,612	0.9
Parallel State systems ^d	297,000	6,528	2.2

^aIncludes the instant checks in table 5 plus an estimate of South Carolina.

^bIncludes only the POC States from table 3. The remaining States in table 3 are included in the Federal/NICS inquiries.

^c"Other approval" systems usually require sellers to transmit applications to a State agency, with transfers delayed until a waiting period expires or the agency completes a check; used in California, Maryland, Rhode Island, and Washington.

^dThese applications and rejections for permits in non-POC States are made at the State or local level and are not included in the number of Federal/NICS inquiries or rejections. See page 6 for description and list of parallel State systems.

maintained automated databases that the FBI may not access.

Approval systems

State approval systems can be classified as “instant approval,” “permit,” or “other approval” systems. Permit systems surveyed by the FIST program include all permits required for purchase and certain “exempt carry permits” that can be used to make a purchase without a background check. (See *Definitions in Methodology*, page 9, and *Survey of State Procedures Related to Firearm Sales, Midyear 1999*, BJS report, NCJ 179022.)

In States operating under an instant approval system (an instant check on State data as well as a NICS check were conducted), the rejection rate was 3.6% (table 2). Of the 4 million applications checked by State and local agencies, almost 2.5 million applications were for instant approvals to transfer a firearm. About 600,000 were

checked by agencies in States with other types of approval systems.

Twelve States required some form of a State or local permit to purchase a firearm. The FIST program collects data from permit States to identify characteristics of these different approval systems. Applications for purchase permits comprised about 600,000 background checks, and applications for ATF-exempt carry permits comprised 144,000 applications processed by State or local agencies.

The rejection rate of applications for purchase permits (2.4%) was similar to the rejection rate for all applications for firearm transfers (2.4%), but lower than that of State instant checks (3.6%). “Other approval” systems that allow up to 10 days to conduct a background check had the lowest rejection rate (less than 1%). However, California dominates this category, and the low rate reflects that State’s overall rejection rate.

Table 4. Reasons for rejection of firearm transfer applications, 1999

Reason for rejection	State and local agencies	FBI ^a
Total	100%	100%
Felony indictment or conviction	72.5	71
Fugitive	5.0	3
Domestic violence		
Misdemeanor conviction	9.0	12
Restraining order	2.1	3
State law prohibition	3.5	--
Mental illness or disability	0.5	--
Drug addiction	1.0	4
Local law prohibition	0.2	--
Other ^b	6.2	6

-- Not available.

^aThe FBI reports rounded percentages for reasons of rejection.

^bIncludes illegal aliens, juveniles, persons dishonorably discharged from the armed services, persons who have renounced their U.S. citizenship, and other unspecified persons. For the FBI, this also includes criminal history of multiple DUIs, non-NCIC warrants, flash notices, and other categories.

Reasons for rejection

Nearly 3 out of 4 rejections for firearm transfer (about 150,000 applications in 1999) occurred because the applicant either had a felony conviction or was under felony indictment (table 4). The second most common reason for rejection was a domestic violence misdemeanor conviction or restraining order (about 13% of rejections or approximately 27,000 applications).

The FBI and the POCs rejected applications in roughly equal percentages due to the finding of a felony indictment or conviction.

However, POCs were able to report rejections in the additional categories of State and local law prohibitions (4% of rejections) and mental illness (less than 1%). These other categories may have lowered the relative percentages for the other reasons listed, as compared to the FBI. For example, the FBI rejected a greater percentage of applications based on drug involvement (4% of FBI rejections) than did State and local checking agencies (1%).

The FBI had a slightly higher percentage of their rejections for domestic violence convictions or restraining order (15%) than did the State POCs (11%). This is due in part to an effort by the FBI to investigate all convictions

Table 3. Applications and rejections for ATF-exempt firearm carry permits, 1999

Agency	Number of applications		Rejection rate
	Received	Rejected	
Total	310,280	6,680	2.2%
Arizona*	20,114	460	2.3%
Indiana*	81,048	2,193	2.7
Mississippi	4,785	40	0.8
North Carolina	9,349	103	1.1
South Carolina	5,070	103	2.0
Texas	30,349	400	1.3
Utah*	7,960	114	1.4
Wyoming	1,185	20	1.7
Multiple local agencies	150,420	3,247	2.2%

Note: Of the 17 States in which ATF-exempt carry permits are issued, the 8 States listed reported complete statewide data in 1999. Local agencies are estimates of the 7 States in which there are multiple agencies conducting permit applications. Alaska issues exempt carry permits but did not report data for 1999. Iowa Department of Public Safety is a statewide agency but conducts checks only on nonresidents and State employees (394 applications in 1999, 0 rejections).

*Arizona, Indiana, and Utah require a permit to carry (but not to purchase) a firearm; however possession of a carry permit confers the right to purchase a firearm without an additional background check at the time of transfer. Applications checked at the time of firearm transfer for applicants who do not have an ATF-exempt carry permit are listed in table 5.

Permit exemptions

Federal law does not mandate a permit to purchase firearms. However, State permits for purchase, carrying, or other activities can be used to exempt the holder from another background check at the time of purchase, provided the applicable permit meets certain requirements of the Brady Act. (See “Overview of NICS” on page 6.)

In 1999, 17 States issued carry permits that could exempt a holder from a purchase check under an ATF ruling or State law. Approximately 310,000 applications for exempt carry permits were subject to background checks, among the agencies reporting data (table 3).

The rejection rate of exempt carry permit applications among statewide agencies that issue exemptions ranged from less than 1% in Mississippi to nearly 3% in Indiana. The rejection rate of exempt carry permit applications was 2.2% in all State and local agencies in which data were available.

for the presence of domestic violence. Both the FBI and POCs had about 6% of rejections for other factors such as juvenile or alien-status, dishonorable discharge from the armed services, and citizenship renunciation.

Statewide reporting of applications

Among State and local agencies responding to the FIST survey, 19 had a single NICS point of contact for their State and provided statewide totals for 1999 (table 5). These States processed over 3 million applications for firearm transfers and rejected 91,300

Table 5. Number of firearm transfer applications received and rejected by State and local agencies, 1999

Agency	Number of applications		Rejection rate
	Received	Rejected	
Statewide agencies	3,124,715	91,303	2.9%
Arizona ^a	145,832	4,228	2.9%
California	513,418	4,779	0.9
Colorado ^b	100,126	6,668	6.7
Connecticut	49,285	255	0.5
Florida	239,876	6,083	2.5
Georgia	252,808	14,477	5.7%
Illinois ^c	419,904	8,173	2.0
Indiana ^{a,d}	26,190	402	1.5
Maryland ^d	33,038	592	1.8
Nevada	58,666	1,870	3.2
New Hampshire ^d	13,616	247	1.8%
New Jersey ^c	76,340	792	1.0
Oregon ^d	58,324	1,296	2.2
Pennsylvania	557,992	18,875	3.4
Tennessee	246,430	16,325	6.6
Utah ^a	73,746	2,155	2.9%
Vermont	20,777	572	2.8
Virginia	201,596	2,987	1.5
Wisconsin ^d	36,751	527	1.4
Local agencies	393,961	7,983	2.0%

Note: Each of the 19 listed States had a single point of contact that reported complete statewide data for applications and rejections in 1999. Local agencies are estimates of the 7 States in which there are multiple agencies serving as points of contact. South Carolina had a single point of contact until 10/1/99 but did not provide complete statewide data and therefore was not included in this table.

^aApplications for carry permits are listed separately in table 3.

^bColorado had a point of contact from 1/1/99 through 3/31/99 and again from 8/1/99 through 12/31/99; therefore, April through July are included in the Federal/NICS counts.

^cIllinois and New Jersey conduct checks on permits or identification cards and again at the time of firearm transfer, which will effect the overall rejection rate.

^dCounts in this table include handguns only for these States.

(2.9%). An estimated 7,983 (2.0%) applications were rejected by local agencies serving as points of contact.

The 19 Statewide agencies served 50.6% of the resident population of the United States (Census Bureau, 1998) but received about 36% of the total number of applications for firearm transfer during 1999 (figure 2).

State and local agencies run handgun checks for 68% of the Nation's population. By contrast, long gun checks are run by State and local agencies for 43% of the population.

Total population of States where —

State/local agencies check applications for —
 Handguns 183.6 million people
 Long guns 117.1 million people

FBI checks applications for —
 Handguns 86.6 million people
 Long guns 153.1 million people

Type of firearm

It is unknown how much of the approximately 160% increase in background

checks — from less than 3.3 million in 1998 to about 8.6 million in 1999 — was due to the requirement that long gun transfers be included. Because disqualifiers under the Brady Act are similar for handguns and long guns, most States do not identify for statistical purposes which type of firearm is being transferred.

Since the FBI checks the majority of applications for long gun transfer, the NICS system offers the most comprehensive information about long gun applications. The firearms transaction record (*ATF Form 4473*), which must be completed at the time of transfer, asks whether the weapon is a handgun, long gun, or both, and the make, model, and type of every firearm being transferred.

The FBI reports that about two-thirds of NICS inquiries are for long guns. The authors spoke to officials of five State agencies keeping separate counts of transfer applications for handguns and long guns. Those officials suggested that long guns account for about half of the applications in their States.

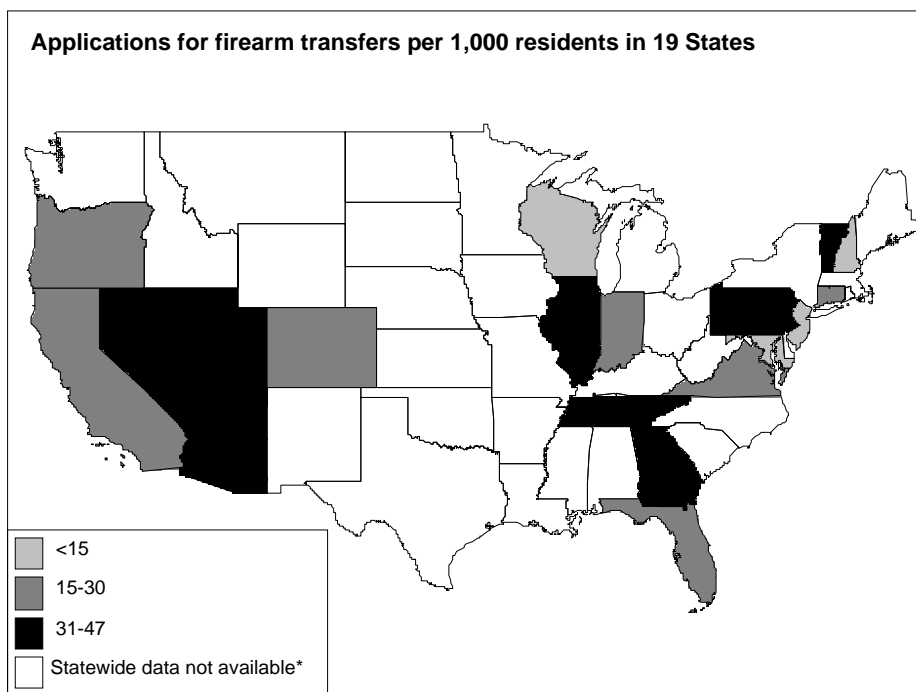


Figure 2

Note: Based on 1998 population data from the Census Bureau. Counts in the map include only handguns for Indiana, Maryland, New Hampshire, Oregon, and Wisconsin. Counts for Colorado included January through March and August through December of 1999. Counts for Illinois, Indiana, and New Jersey include permits or identification cards firearm transfer applications.

*See Appendix A for details of State participation.

Background

Prohibited persons

The Federal Gun Control Act, 18 U.S.C. 922, prohibits 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 an illegal alien or has been admitted to the United States 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 restraining him or her from harassing, stalking, or threatening an intimate partner or child
- has been convicted in any court of a misdemeanor crime of domestic violence.

In addition, the Gun Control Act makes it unlawful for any licensed importer, manufacturer, dealer, or collector to transfer a long gun to a person younger than age 18 or any other type of firearm to a person less than 21 years of age.

The Federal act's categories of prohibited persons are the prevailing minimum for all States. Many States have enacted similar or additional prohibitions. For example, 19 States prohibit firearm possession by persons who are addicted to alcohol or have been convicted of alcohol-related offenses; 24 States restrict persons who were adjudicated delinquent or who had committed serious offenses

as juveniles. (See *Survey of State Procedures Related to Firearm Sales, Midyear 1999*, BJS report, NCJ 179022.)

Interim Brady Act provisions

The Brady Act amended the Gun Control Act and included interim provisions, 18 U.S.C. 922(s), in effect from February 29, 1994, until November 29, 1998. The interim provisions prohibited sale of a handgun by a licensed dealer (called a Federal Firearms Licensee) for 5 days or until the licensee had been advised that, based on a background check, a prospective purchaser was not prohibited under Federal or State law. Checks were conducted by the Chief Law Enforcement Officer of the jurisdiction where the licensee operated.

The interim provisions allowed States with prohibitory statutes comparable to Federal law to follow a variety of alternative procedures. State laws that qualified under these alternatives required that before any licensee completed the transfer of a handgun to a non-licensee, a government official verified that possession of a handgun by the transferee would not be a violation of law. The "Brady-alternative States" generally employed either an "instant check" or a "permit or other approval type" system, as designated by the Bureau of Alcohol, Tobacco and Firearms.

Permanent Brady Act provisions

Establishment of the National Instant Criminal Background Check System (NICS) was authorized by the permanent provisions of the Brady Act, 18 U.S.C. 922(t). The U.S. Department of Justice, with the States, developed the system during the 57-month interim period. Since November 29, 1998, the NICS has allowed a licensee to contact the system by telephone or

other electronic means for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee would violate Federal or State law.

Under the NICS configuration States are encouraged to serve as a point of contact, receiving inquiries from firearm dealers and accessing the FBI's national record system. (See *Components of the National Firearm Check System* on page 6 for further details on checks under the NICS or State laws.)

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

National Criminal History Improvement Program (NCHIP)

The Brady Act established a grant program (NCHIP) to ensure immediate availability of complete and accurate State records. The Firearm Inquiry Statistics Program (FIST), which collects statistics on background checks, is one of many NCHIP programs.

NCHIP is designed to assist States to develop or improve existing criminal history records systems and to establish an interface with the NICS. Grant funds have also supported direct technical assistance, evaluation, and research related to improving nonfelony records within the States.

To date, over \$270 million has been awarded directly to States to assist them in establishing and enhancing criminal records which support the FBI's record system.

Components of the National Firearm Check System

Over 3,000 Federal, State, and local agencies conduct background checks on persons who apply to purchase a firearm or for a permit that can be used to make a purchase. Variations in Federal and State procedures for determining firearm possession eligibility are described below.

Overview of National Instant Criminal Background Check System

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

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

A permit issued after November 29, 1998, qualifies as an alternative only if the information available to the State authority includes the NICS Index maintained by the FBI.

A licensee initiates a NICS check by contacting either the FBI or a point of contact (POC) agency designated by the State government. The FBI or POC checks the available Federal, State, and/or local databases and responds with a notice to the licensee that the transfer may proceed, may not proceed, or is delayed pending further review of the transferee's record. (See the FBI, *National Instant Criminal Background Check System (NICS) Operations Report (November 30, 1998-December 31, 1999)*, March 1, 2000.)

Prior to transferring a firearm subject to permanent Brady requirements, a licensee must receive a completed Firearm Transaction Record (ATF F 4473). For more information, see *Commerce in Firearms in the United States, February 2000*

(www.atf.treas.gov/pub/fire-explo_pub/020400report.pdf).

State and local participation in the NICS

Each State government determines the extent of its involvement in the NICS process. Three forms of State involvement currently exist:

- A POC requests a NICS check on all firearm transfers originating in the State.
- 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.
- 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.

Handgun checks are conducted by the FBI for 24 States and by POC agencies for 26 States; long gun checks are conducted by the FBI for 35 States and by POC agencies for 15 States (*Appendix A*).

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

Procedures for determining the eligibility of prospective firearm purchasers are generally classified by ATF as "instant check" or "permit or other type of approval" systems. Seventeen States utilize instant check systems; 12 require purchase permits; and 4 maintain other type of approval systems (Illinois and New Jersey are each counted twice because they operate separate purchase permit and instant check systems). In addition to the Brady Act's regulation of sales by federally licensed dealers, some States require background checks for firearm transfers that occur between unlicensed persons at gun shows or other locations.

A few States require a mandatory waiting period after a purchaser applies and before a firearm transfer can be completed, regardless of when the instant check is completed.

The NICS process does not automatically supplant State firearm sales regulations. State background check and permit statutes that existed before the effective date of the NICS remain in force unless repealed by legislative action or allowed to expire.

The POC agencies conduct any checks and issue any permits required by State law in addition to following procedures mandated under the NICS. Generally, instant check agencies conduct a single background check that incorporates Federal and State requirements for each transaction.

Except for Delaware all States with instant check systems are points of contact for the NICS. 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 local police departments. (For agencies conducting firearm checks, see *Appendix B*.)

Parallel State systems

If agencies that conduct checks under State law are unable to access the NICS Index, licensees in that State are required to contact the FBI for the NICS check. Thus, prospective transferees in some States are required to undergo a permit or point-of-transfer check by a State or local agency and a NICS check by the FBI. Six States (Delaware, Massachusetts, Minnesota, Missouri, New Jersey, and Rhode Island) maintain firearm check systems that can be described as parallel to the NICS process.

For more information on background check systems in specific States, see *Survey of State Procedures Related to Firearm Sales, Midyear 1999*, NCJ 179022.

Appendix A. National Instant Criminal Background Check System: Checking agencies — FBI or State point of contact — for transfers of handguns and long guns, December 1999

	Handguns		Long guns	
	FBI	POC	FBI	POC
Alabama	■		■	
Alaska	■		■	
Arizona		■		■
Arkansas	■		■	
California		■		■
Colorado		■		■
Connecticut		■		■
Delaware	■		■	
Florida		■		■
Georgia		■		■
Hawaii*		■		■
Idaho	■		■	
Illinois		■		■
Indiana		■	■	
Iowa*		■	■	
Kansas	■		■	
Kentucky	■		■	
Louisiana	■		■	
Maine	■		■	
Maryland		■	■	
Massachusetts	■		■	
Michigan*		■	■	
Minnesota	■		■	
Mississippi	■		■	
Missouri	■		■	
Montana	■		■	
Nebraska*		■	■	
Nevada		■		■
New Hampshire		■	■	
New Jersey		■		■
New Mexico	■		■	
New York*		■	■	
North Carolina*		■	■	
North Dakota	■		■	
Ohio	■		■	
Oklahoma	■		■	
Oregon		■	■	
Pennsylvania		■	■	■
Rhode Island	■		■	
South Carolina	■		■	
South Dakota	■		■	
Tennessee		■		■
Texas	■		■	
Utah		■		■
Vermont		■		■
Virginia		■		■
Washington*		■	■	
West Virginia	■		■	
Wisconsin		■	■	
Wyoming	■		■	
Total	24	26	35	15

Note: Includes checks on purchases or permits required for purchase. The District of Columbia no longer allows the purchase of handguns except by law enforcement officers, retired district police officers, military personnel, licensed dealers, and organizations that employ special police.
*States have multiple points of contact.

Appendix B. State and local agencies conducting background checks for firearm transfers, 1999

	Type of firearm check		Number of agencies	Type of agencies
	Purchase ^a	Carry ^b		
Alaska		■	1	Department of Public Safety
Arizona	■	■	1	Department of Public Safety
California	■		1	Department of Justice
Colorado	■		1	Bureau of Investigation
Connecticut	■		1	State Police
Delaware	■		1	State Police
Florida	■		3	County Superior Courts
Georgia	■		1	Department of Law Enforcement
Hawaii	■		1	Bureau of Investigation
Idaho		■	159	County Probate Courts
Illinois	■		4	Police Departments
Indiana	■	■	44	County Sheriffs
Iowa	■	■	1	State Police
Iowa*	■	■	1	State Police
Iowa	■	■	100	Department of Public Safety/County Sheriffs
Maryland	■		1	State Police
Massachusetts	■	■	351	Police Departments
Michigan	■		595	Sheriffs and Police Departments
Minnesota	■	■	568	Sheriffs and Police Departments
Mississippi	■	■	1	Department of Public Safety
Missouri	■		115	Sheriffs and Police Departments
Montana		■	61	County Sheriffs
Nebraska	■		95	Sheriffs and Police Departments
Nevada	■		1	Highway Patrol
Nevada		■	17	County Sheriffs
New Hampshire	■		1	Department of Safety
New Jersey	■		506	State and local Police
New York	■		58	County Judges
North Carolina	■	■	100	County Sheriffs
Oregon	■		1	State Police
Pennsylvania	■		1	State Police
Rhode Island	■		39	Police Departments
South Carolina	■	■	1	Law Enforcement Division
Tennessee	■		1	Bureau of Investigation
Texas	■	■	1	Department of Public Safety
Utah	■	■	1	Bureau of Criminal Identification
Vermont	■		1	Chittenden County Sheriff's Office
Virginia	■		1	State Police
Washington	■		291	Sheriffs and Police Departments
Wisconsin	■		1	Department of Justice
Wyoming		■	40	County Sheriffs
Total			3,169	

Notes: Includes checks on purchases or permits required for purchase.
^aApplications for purchases or permits required for purchases.
^bApplications for carry permits that can be used to waive a purchase check.

Methodology

Definitions

State instant approval (instant check) systems require a seller to transmit a purchaser's application to a checking agency by telephone or computer; the agency is required to respond immediately or as soon as possible without delay.

Purchase permit systems require a prospective firearm purchaser to obtain, after background check, a government-issued document (called a permit, license, identification card, etc.) that must be presented to a seller to receive a firearm.

Exempt carry permit is a State carry permit (issued after a background check) that exempts the holder from a check at the time of purchase under an ATF ruling or State law.

Other type of approval systems require a seller to transmit a purchaser's application to a checking agency by mail, telephone, or computer; the agency is not required to respond immediately but must respond before the end of the statutory time limit.

Application for firearm transfer is information submitted by a person to a State or local checking agency to purchase a firearm or obtain a permit that can be used for a purchase; includes information submitted directly to a checking agency or forwarded by a prospective seller.

Transactions are inquiries to the Federal NICS system and may include more than one inquiry per application.

Rejection occurs when an applicant is prohibited from receiving a firearm or a permit that can be used to receive a firearm, due to the finding of a disqualifying factor during a background check.

Data collection procedures

The Regional Justice Information Service (REJIS), through a cooperative agreement with BJS under the Firearm Inquiry Statistics (FIST) program, collected the data.

The agencies supplied data on either paper or diskette. Several different forms were provided to meet the varying office procedures of the agencies. In addition REJIS wrote special software distributed free of charge to requesting agencies. This software was designed to simplify the record tabulating functions of the agency. It also helped to reduce the burden of keeping the statistical data because a capability of the software was to automatically report the data needed for the study. In all cases the data that the agency sent to REJIS contained only statistical information and would not allow the identification of an individual. The software also assists agencies in purging records after the delay time specified by law.

FIST data are collected directly from State agencies conducting background checks. Two approaches were used for the collection of data from local checking agencies. The first involved continuation of an ongoing survey. The ongoing survey included agencies that have provided information consistently for the FIST survey since 1995. The second consisted of telephone and mail contact to obtain data from all other local checking agencies that collected and would share information on firearm applications.

The following presents the approach used to supplement the ongoing survey among checking agencies. Telephone and mail contact was attempted in 1999 with all local checking agencies not previously invited to participate in the ongoing survey.

Information collected included the following: firearm applications made to the agency, firearm applications rejected by the agency, and the reasons for rejection. Information on appeals of rejected applications was not included since local checking agencies may not handle appeals through the entire process and may have only limited information on outcomes from such appeals.

Determining populations

To estimate the application and rejection rates within a given area, the appropriate agency population was needed and was determined as follows:

- The stratification classification of the county was based on the size of the largest city within the county.
- If cities within a county were conducting their own background checks, their populations were subtracted from the county population.
- If a municipal agency provided services for other selected municipalities, then populations for those municipalities were added to the populations of the reporting municipality.
- If an agency participating in the study relied upon other jurisdictions to conduct background checks, they were replaced by those other jurisdictions (for example, a town being replaced by a county).

State and local checking agencies were stratified by size of the population served: State agencies that served an entire State population; local agencies that served a population greater than 100,000; local agencies that served a population between 10,000 and 100,000; and local agencies that served a population of less than 10,000. Population size was based on 1998 Census Bureau information. The population categories were chosen to be consistent with those commonly used by the FBI when conducting similar studies.

All agencies serving a population greater than 100,000 were asked to contribute data in 1999, either by continuing to report in the ongoing survey or by providing a report in the supplemental survey. The number of agencies in both the ongoing survey and the supplemental survey are shown by population category in the table below.

Population served	Number of agencies
Under 10,000	262
10,000 to 100,000	211
Over 100,000	37
Statewide agencies (POCs and those issuing permits)	25
Total agencies	535

These agencies together served 192,394,762 people, or 71.18% of the more than 270 million people estimated to live in the U.S. in 1998. The addition of agencies did not skew the distribution of agencies toward any particular State or region.

In some States one statewide agency conducts background checks for purchase and another agency (or division within an agency) issues ATF-approved permits. Although both agencies conducted background checks, care was taken not to count State populations twice in the estimation process. This situation of dual agencies conducting background checks did not occur among local agencies.

Estimation procedures

Based on data provided by both sets of agencies, National estimates were developed using population weighting factors. When an agency did not provide data for all months, a simple linear extrapolation or interpolation was used to generate a 12-month total.

It is important to emphasize that the mix of State and local agencies conducting background checks changed during the transition from the interim to the permanent provisions of the Brady Act. Consequently, while data collection procedures remained

similar to those used in 1998, the agencies providing data changed.

For example, when the permanent provisions of the Brady Act became effective, six agencies that had previously conducted statewide checks turned their background checks over to the FBI. However, three States (Pennsylvania, Tennessee, and Vermont) that had not performed their background checks during the interim period began statewide systems.

The distribution of local checking agencies also changed after the permanent provisions of the Brady Act became effective. Many States delegated their responsibilities to the FBI, so local agencies in those States no longer conducted background checks. Further, it was deemed necessary to collect data from local agencies (and some statewide agencies) that issue certain carry permits approved by ATF or State law as an alternative to a presale background check.

In 11 States local agencies still conducted checks required by State law. Local agencies that had been reporting these data to FIST were asked to continue. However, not enough local agencies remained in the ongoing survey to calculate a sufficiently accurate national estimate. Additional local checking agencies conducting background checks for permits had to be included in the estimation process. For these reasons, FIST supplemented participants in the ongoing survey with data from other checking agencies.

Agencies with a rejection rate over four standard deviations above the average standard rejection rate were classified as outliers and their data were not used for projection of estimates. In addition, rejection rates that could not be determined with sufficient accuracy were not used.

The accuracy of the estimates presented in this report depends on two types of errors: nonsampling and sampling. In this study, nonsampling error may occur from the following: nonresponse; differences in the ways checking agencies process, code, store, and retrieve their information;

differences in interpretation of the survey questions; and activities that delay personnel from doing paperwork.

Also, the process of a researcher receiving data and storing it in the computer for analysis can introduce nonsampling error.

In any sample survey, the full extent of nonsampling error is never known. However, steps were taken to minimize the potential for error. Extensive telephone follow-ups were made to encourage responses, answer questions about misunderstood requests, and generally assist in assembling the information in a form useable by FIST. Extensive verification of the data ensured the accuracy of the numbers. Agencies providing data were asked to review and revise their reports, and various quality checks were performed in receiving and processing the data.

Because of the sampling design, State comparisons cannot be made. The estimates are only for the 50 States and do not include U.S. Territories or the District of Columbia.

Sources of additional information

Additional information on State firearm laws is available from BJS in the *Survey of State Procedures Related to Firearm Sales, Midyear 1999*, NCJ 179022. Further information on Federal law and BJS-related publications is available from the following Internet sites:

- BATF - <http://www.atf.treas.gov/core/firearms/firearms.htm>
- BJS - <http://www.ojp.usdoj.gov/bjs/guns.htm>
- FBI - <http://www.fbi.gov/programs/nicsfact.htm>

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Bulletins present the first release of findings from permanent data collection programs such as the Firearm Inquiry Statistics program. State and local officials have cooperated in reporting the data presented.

Lea Gifford and Devon B. Adams of BJS and Michael Bowling and Gene Lauver of REJIS wrote this Bulletin. REJIS is a criminal justice agency commissioned by the city and county of St. Louis, MO. Terry Tomazic, Ph.D., professor of research methodology at St. Louis University, provided statistical consultation. Carol G. Kaplan supervised the project. REJIS collected and analyzed the FIST data presented. Matthew Durose of BJS prepared figure 2. Tom Hester edited the Bulletin, Jayne Robinson administered final production.

Further information on the FIST program can be obtained from —

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This Bulletin, as well as other reports and statistics, can be found at the Bureau of Justice Statistics World Wide Web site:

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



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