



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

August 26, 2011

Open Letter to All Nevada Federal Firearms Licensees

The purpose of this open letter is to advise you of an important change to the procedure you may follow to comply with the Brady Handgun Violence Prevention Act, 18 U.S.C. § 922(t), when transferring a firearm to an unlicensed person.

The permanent provisions of the Brady law took effect on November 30, 1998. The Brady law generally requires Federal Firearms Licensees (FFLs) to initiate a National Instant Criminal Background Check System (NICS) background check before transferring a firearm to an unlicensed person. However, the Brady law contains exceptions to the NICS check requirement, including an exception for holders of certain State permits to possess, carry, or acquire firearms. The law and implementing regulations provide that permits issued within the past 5 years may qualify as alternatives to the NICS check if certain other requirements are satisfied. Most importantly, the authority issuing the permit must conduct a NICS background check and must deny a permit to anyone prohibited from possessing firearms under Federal, State, or local law.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has reviewed Nevada's Concealed Firearm Permit and has determined that the concealed firearm permit qualifies as an alternative to the background check required by the Brady law. Please be advised that only permits issued on or after July 1, 2011 qualify as alternatives to the background check. If an unlicensed person presents a permit issued prior to July 1, 2011, the FFL must conduct a background check prior to transferring the firearm.

If you transfer a firearm to an unlicensed person pursuant to the permit alternative, you must comply with the following requirements:

1. Have the transferee complete and sign [ATF Form 4473, Firearms Transaction Record](#).
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. Verify that the concealed firearm permit was issued on or after July 1, 2011 and within the past 5 years by the State in which the transfer is to occur, and that the permit has not expired under State law.
4. Either retain a copy of the transferee's concealed firearm permit and attach it to the [Form 4473](#), or record on the [Form 4473](#) any identifying number from the permit, the date of issuance, and the expiration date of the permit.

If you have any questions about Nevada's concealed firearm permit qualifying as an alternative to the NICS check, please call ATF's Firearms Industry Programs Branch at (202) 648-7190.

A handwritten signature in black ink, appearing to read 'Arthur Herbert', written in a cursive style.

Arthur Herbert
Assistant Director
Enforcement Programs and Services