



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Enforcement Programs and Services

Washington, DC 20226

June 15, 2021

OPEN LETTER TO ALL LOUISIANA FEDERAL FIREARMS LICENSEES

The purpose of this open letter is to advise you that the Louisiana Lifetime Concealed Handgun Permit (Lifetime Permit) meets the requirements as an alternative to the National Instant Criminal Background Check System (NICS) check only during the five-year period beginning on the date of issuance of the Lifetime Permit. The following procedure may be used to comply with the Brady Handgun Violence Prevention Act (Brady Act), 18 U.S.C. § 922(t), when transferring a firearm to an unlicensed person.

The Brady Law generally requires Federal firearms licensees (FFLs) to initiate a NICS check before transferring a firearm to an unlicensed person. Nonetheless, pursuant to 18 U.S.C. § 922(t)(3), the Brady Law contains exceptions to the NICS check, 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 five years may qualify as alternatives to the NICS check if certain other requirements are satisfied. Most importantly, the State authority issuing the permit must conduct a NICS background check for each permit applicant, and if the applicant is a non-U.S. citizen, the check must also include an Immigration Alien Query check. The State authority must deny a permit to anyone prohibited from possessing firearms under Federal, State or local law. *See* 27 CFR 478.102(d).

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has reviewed the Louisiana Lifetime Permit and determined that the permit meets the requirements as an alternative to the NICS background check requirement only for the initial five-year period beginning on the original issuance date. However, since the Louisiana Lifetime Permit is not re-issued with an updated issuance date, the holder cannot continue to use their "original" Lifetime Permit indefinitely as an alternative to a NICS background check. After the initial five-year period, the Louisiana Lifetime Permit would no longer meet the requirements of 18 U.S.C. § 922(t) as an alternative to a NICS background check. The holder of a Louisiana Lifetime Permit would then be subject to a NICS check by a Louisiana FFL for a firearm transfer occurring after the first five years of the issuance date.

As provided in 18 U.S.C. § 922(t)(1)(C) and 27 CFR 478.102(a)(3), an FFL transferring a firearm to an unlicensed person pursuant to a permit alternative 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 permit is either an unexpired Louisiana five-year Concealed Carry Permit or a Louisiana Lifetime Concealed Carry Permit issued within five years from the date of issuance by the State of Louisiana; and
4. Either retain a copy of the transferee's 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.

A NICS background check is required if the subject presents either an expired Louisiana five-year Concealed Carry Permit or a Louisiana Lifetime Concealed Carry Permit that was issued more than five years before being presented.

Regardless of the transferee's possession of a Louisiana Lifetime Concealed Carry Permit, FFLs may not knowingly transfer a firearm to a person who is prohibited from possessing a firearm.

If you have questions about this Open Letter, please call ATF's Firearms Industry Programs Branch at (202) 648-7190.

A handwritten signature in black ink, appearing to read "Alphonso Hughes", with a horizontal line extending to the right.

Alphonso Hughes
Assistant Director

Enforcement Programs and Services