



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Assistant Director
Enforcement Programs and Services

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www.atf.gov

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OPEN LETTER TO WISCONSIN FEDERAL FIREARMS LICENSEES ON STATUS OF WISCONSIN CONCEALED CARRY LICENSE AS A NICS ALTERNATE PERMIT

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is committed to helping federal firearms licensees (FFLs) understand their legal obligations under federal law. This open letter advises Wisconsin FFLs that, effective immediately, the Wisconsin concealed carry license does not qualify as an alternative permit/license for purposes of 18 U.S.C. § 922(t)(3), which allows FFLs to accept certain state-issued licenses in lieu of running a background check through the National Instant Criminal Background Check System (NICS) when transferring a firearm to a nonlicensee.

On May 23, 2025, ATF published an [open letter](#) and an accompanying [chart](#) to aid FFLs in determining whether to accept a given state-issued permit/license as an alternative to conducting a NICS background check (under the Brady Handgun Violence Prevention Act (Brady Act) at 18 U.S.C. § 922(t)). The initial chart indicated that Wisconsin's concealed carry license qualified as a NICS alternate license because it met the conditions under 18 U.S.C. § 922(t)(3)(A). Section 922(t)(3)(A) provides that a permit/license may be used as an alternative to a NICS background check if:

1. the permit/license must allow the nonlicensee to possess or acquire a firearm;
2. the permit/license must have been issued not more than five years earlier by the state in which the transfer is to take place; and
3. state law must provide that the permit was to be issued only after an authorized government official verified that the information available to such official does not indicate that it would be a violation of the law for the non-licensee to possess a firearm.

ATF's initial assessment that Wisconsin's concealed carry license was an acceptable NICS alternative was based on a review of Wisconsin statutes. Their statutes prohibit issuing a state license to a person who is "prohibited under federal law from possessing a firearm that has been transported in interstate or foreign commerce." Wis. Rev. Stat. § 175.60(3)(b). The Wisconsin concealed carry license application form also asks whether a person is "currently under

indictment or [has] a felony charge pending against [them] in any court.” Form DJ-LE-287 (rev. May 16, 2023).

Since ATF’s publication of the open letter in May, Wisconsin’s Department of Justice has informed ATF that Wisconsin issues licenses to those who are under felony indictment even though they are prohibited under federal law from receiving firearms (18 U.S.C. § 922(d), (n)). Wisconsin’s Department of Justice indicated to ATF that they interpret their state provision, at Wis. Rev. Stat. § 175.60(3)(b), as prohibiting officials from issuing licenses to those who are prohibited from possessing firearms under 18 U.S.C. § 922(g). However, they do not believe the provision prevents them from issuing a concealed carry license to those prohibited from receiving firearms under 18 U.S.C. § 922(d)(1) and (n). These provisions prohibit transfer to or receipt of a firearm by a person under indictment for a crime punishable by imprisonment for a term exceeding one year. Because Wisconsin issues these concealed carry licenses to persons who are prohibited from purchasing firearms under federal law, these licenses do not qualify as a NICS alternative to the Brady Act’s background check requirement. *See* 18 U.S.C. § 922(t)(3)(A)(ii).

This open letter updates the [May 23, 2025, open letter](#) on NICS and Brady Permits. Further, the [Brady Permit Chart](#), available at www.atf.gov, has since been revised to reflect that Wisconsin’s concealed carry license does not qualify as a NICS alternate permit/license. If you have any further questions, please contact FIPB@atf.gov. ATF works closely with the firearms industry and appreciates the important role the industry plays in combating violent crime.

Sincerely,

Jennifer L. Cicolani
Assistant Director
Office of Enforcement Programs and Services.