



Department of Treasury

Bureau of Alcohol, Tobacco, Firearms

Washington, DC 20226

December 12, 2000

Open Letter to All Oregon Federal Firearms Licensees — Notice of Amendment

[Original Letter](#)

On November 10, 1998, the Bureau of Alcohol, Tobacco and Firearms (ATF) sent an open letter to all Oregon Federal Firearms licensees advising you of your responsibilities under the permanent provisions of the Brady law. The permanent provisions of the Brady law provide for the establishment of a National Instant Criminal Background Check System (NICS) that licensees must contact before transferring a firearm to unlicensed individuals. In this letter, ATF advised you that the State of Oregon would act as the point of contact for NICS checks for handgun transactions and the Federal Bureau of Investigation would conduct NICS background checks for all long gun transactions.

The provision of Oregon State law regarding all firearms background checks was recently amended. Effective December 8, 2000, the Oregon State Police will act as the point of contact for all firearms background checks (handguns and long guns). To request a NICS check for any firearm transaction you now must contact the Oregon State Police at 1-800-432-5059.

As a reminder, you must comply with the following steps prior to transferring a firearm to anyone who is not a licensee:

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. Contact NICS through the Oregon State Police. You will get a response from the system advising you whether to proceed with the sale or to delay or deny the transaction. If you get a "delayed" response and there is no additional response from the system, you may transfer the firearm after three business days have lapsed. Of course, you must still comply with any waiting periods under State law.
4. If you have initiated a NICS check for a proposed firearms transaction, but the transfer of the firearm is not completed, you must retain the Form 4473 in your records for a period of not less than 5 years. If the transfer is completed, the Form 4473 must be retained for at least 20 years.

Questions

If you have any questions, please contact your local ATF office. Questions regarding operational issues for all firearm transactions should be directed to the Oregon State Police at (503) 378-3070.

A handwritten signature in black ink that reads "John P. Malone". The signature is written in a cursive style with a large initial "J" and "M".

John P. Malone
Assistant Director
Firearms, Explosives and Arson

RESCINDED



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20226

NOV 10 1998

OPEN LETTER TO ALL OREGON FEDERAL FIREARMS LICENSEES

Permanent Provisions of the Brady Law. The purpose of this letter is to advise you of your responsibilities under the permanent provisions of the Brady law, 18 U.S.C. § 922(t). On November 30, 1998, the interim provisions of the Brady law will cease to apply, and the permanent provisions of the Brady law will take effect.

The permanent provisions of the Brady law provide for the establishment of a National Instant Criminal Background Check System (NICS) that licensees must contact before transferring any firearm to unlicensed individuals. While the interim provisions apply only to handguns, the permanent provisions of Brady will apply to all firearms. In addition, under permanent Brady there will no longer be an exemption for the redemption of a firearm from pawn.

Notification from the Attorney General. On October 30, 1998, the Department of Justice published a final rule in the Federal Register, announcing the establishment of the NICS as of October 31, 1998. Accordingly, licensees will be required to comply with permanent Brady as of November 30, 1998. Copies of the Justice Department's final rule are available on DOJ's Home Page on the Internet at <http://www.fbi.gov/programs/nics/index.htm>, and DOJ is mailing copies of the final rule to licensees.

Initiation of NICS Checks. The State of Oregon will act as the point of contact for NICS checks for handgun transactions. To request a NICS check for handgun transactions you must contact the Oregon State Police at 1-800-432-5059.

To request a background check for long gun transactions you must contact the Federal Bureau of Investigation's NICS Operations Center by dialing 1-877-FBI-NICS (1-877-324-6427). Your call will be answered by an automated menu that allows you to select from several customer services including initiating a NICS background check.

Transfers Subject to NICS Check Requirement. As of November 30, 1998, you will be required to initiate a NICS check prior to transferring a firearm to anyone who is not a licensee. The following steps must be followed prior to transferring a firearm:

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. Contact NICS through either the FBI or the Oregon State Police. You will get a response from the system advising you whether to proceed with the sale or to delay or deny the transaction. If you get a "delayed" response and there is no additional response from the system, you may transfer the firearm after three business days have elapsed. Of course, you must still comply with any waiting periods under State law.

4. If you have initiated a NICS check for a proposed firearms transaction, but the transfer of the firearm is not completed, you must retain the Form 4473 in your records for a period of not less than 5 years. If the transfer is completed, the Form 4473 must be retained for at least 20 years.

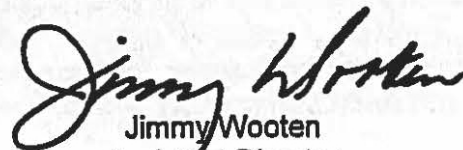
Alternatives to a NICS Check. The Brady law provides that certain permits may qualify as alternatives to a NICS check. Although the concealed weapons permit issued in your State qualified as an alternative to a background check under the interim provisions of Brady, the permit will not qualify as an alternative to the NICS check required by permanent Brady. However, concealed weapons permits issued prior to November 30, 1998, will be "grandfathered" as Brady alternatives for the duration of the permit, not to exceed 5 years from the date of issuance. Of course all such transactions must still comply with State law. Please note that permits issued on or after November 30, 1998, will not qualify as alternatives to the NICS check.

If you transfer a firearm to an unlicensed person pursuant to this 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 permit was issued prior to November 30, 1998, 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 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.

Final Regulations and Forms 4473. On October 29, 1998, ATF published final regulations implementing the permanent provisions of the Brady law. The ATF final regulations are available on ATF's home page on the Internet at http://www.atf.treas.gov/core/regulations/brady_regs.htm. ATF has also modified ATF Form 4473, Firearms Transaction Record, to reflect the changes in the background check system. A copy of the final regulations and a small supply of Forms 4473 will be mailed to each licensee under separate cover before November 30, 1998.

Questions. If you have any questions, please contact your local ATF office. Questions regarding operational issues for long gun transactions should be directed to the FBI at 304-625-2750. Questions regarding operational issues for handgun transactions should be directed to the Oregon State Police.


Jimmy Wooten
Assistant Director
(Firearms, Explosives and Arson)