



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

OCT 23 1998

**OPEN LETTER TO ALL VIRGINIA 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.** The United States Attorney General will notify licensees when the NICS is established. The Department of Justice (DOJ) has advised ATF that the Attorney General plans to publish a notice in the Federal Register during the last week of October, 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 Attorney General's Notice will be available on DOJ's Home Page on the Internet at <http://www.fbi.gov/programs/nics/index.htm>, and DOJ will mail copies of the notice to licensees.

**Initiation of NICS Checks.** The State of Virginia will act as the point of contact for NICS checks for all firearms transactions. To request a NICS check for any firearm transaction you must continue to contact the Virginia State Police, Firearms Transaction Center at the confidential telephone number provided to you by them during your initial registration.

**Registration with the Virginia State Police.** All pawn shop firearms dealers and other dealers who handle consigned firearms, who have not registered with the Virginia State Police, must register with the Virginia State Police prior to November 30, 1998. This registration is a prerequisite to requesting a NICS 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 are in addition to any state law requirements and 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 the Virginia 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

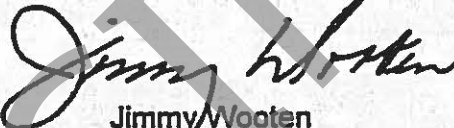
from the system, you may transfer the firearm after three business days have elapsed. Of course, you must still comply with any waiting period requirements under State law.

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. However, there are no permits in your state that qualify as an alternative to a NICS check.

**Final Regulations and Forms 4473.** Final regulations implementing the permanent provisions of the Brady law will be published shortly by ATF. ATF has also modified ATF Form 4473, Firearms Transaction Record, to reflect the changes in the background check system. A copy of these 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 or the Virginia State Police.

  
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Assistant Director  
(Firearms, Explosives and Arson)