



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov

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OPEN LETTER TO ALL WEST VIRGINIA FEDERAL FIREARMS LICENSEES

The purpose of this open letter is to provide guidance on the procedure to comply with Federal law, 18 U.S.C. § 922(t), when you transfer a firearm to an unlicensed person.

The permanent provisions of the Brady Handgun Violence Prevention Act (Act) took effect on November 30, 1998. The Act 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 determined that West Virginia's Concealed Handgun Licenses (CHLs) **issued on or after June 4, 2014** qualify as alternatives to the background check under the Brady law. If you transfer a firearm to an unlicensed person pursuant to the license 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 license was issued within the past 5 years by the State in which the transfer is to occur and that the license has not expired under State law.
4. Either retain a copy of the transferee's license and attach it to the Form 4473, or record on the Form 4473 any identifying number from the license, the date of issuance, and the expiration date of the license.

If you have any questions about West Virginia's Concealed Handgun Licenses qualifying as an alternative to the NICS check, please contact ATF's Firearms Industry Programs Branch at (202) 648-7190, or fipb@atf.gov.

A handwritten signature in black ink, appearing to read "Michael F. Fronczak", with a stylized flourish at the end.

Michael F. Fronczak
Chief, Firearms and Explosives Industry Division

RESCINDED