



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov

May 27, 2015

Open Letter to All Kentucky Federal Firearms Licensees

The purpose of this letter is to provide clarification and guidance on alternative permit procedures that comply with the Brady Handgun Violence Protection Act (Brady law) for firearms transfers to unlicensed persons in the Commonwealth of Kentucky. This open letter supersedes the 2006 Open Letter to All Kentucky Federal Firearms Licensees with respect to alternatives to the National Instant Criminal Background Check System (NICS) background check.

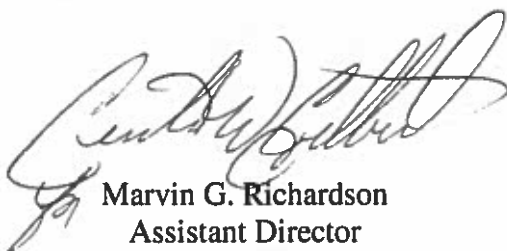
The Brady law, codified at 18 U.S.C. § 922(t), generally requires Federal firearms licensees (FFLs) to initiate a NICS background check before transferring a firearm to an unlicensed person. The Brady law includes an exception to the NICS background check requirement for persons who hold certain NICS alternative permits to possess, carry, or acquire firearms. The Brady law and the implementing regulations at 27 CFR Part 478 provide that permits issued within the past five years may qualify as alternatives to the NICS background check if certain other requirements are satisfied. Importantly, the authority issuing the permit must conduct a NICS background check and must deny a permit to anyone who is prohibited from possessing firearms under Federal, State, or local law.

The Kentucky State Police issue three different types of permits: the standard Kentucky Concealed Deadly Weapons License (CDW), the Judicial Special Status CDW, and the Law Enforcement Officers Safety Act (LEOSA) CDW. Of these three, only the standard Kentucky CDW and the Judicial Special Status CDW qualify as alternatives to the NICS background check. The LEOSA CDW does not qualify as a NICS alternative because a background check is not conducted when the permit is issued.

If an unlicensed person presents a Kentucky CDW or Judicial Special Status CDW, you are not required to initiate a NICS background check. You must verify the identity of the transferee through a Government-issued photo identification (e.g., a driver's license, an identification card issued by a State in place of a driver's license, or a combination of government-issued documents that meet the identification document requirements). You must also verify that the Kentucky CDW or Judicial Special Status CDW was issued within the past five years and that it has not expired. You should record the required information about the qualifying permit in question 23 on the ATF Form 4473 and ensure that the transferee completes and signs the ATF

Form 4473, Firearms Transaction Record. If an unlicensed person presents the LEOSA CDW, you must also initiate a NICS background check.

Beyond the clarification and guidance provided in this open letter, you are reminded that you are required to comply with all Federal, State, and local laws. If you have any questions, please call the ATF Brady Operations Branch at 304-616-4200 or the Firearms Industry Programs Branch at (202) 648-7190. As always, we thank you for your cooperation.

A handwritten signature in black ink, appearing to read "Marvin G. Richardson". The signature is fluid and cursive, with a large initial "M" and "R".

Marvin G. Richardson
Assistant Director
Enforcement Programs and Services