



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

OCT 23 1998

OPEN LETTER TO ALL NEW MEXICO 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 New Mexico Department of Public Safety will act as the point of contact for NICS checks for all firearms transactions. They have contracted with New Mexico Technet to do NICS checks for licensees in the State of New Mexico. You will be able to initiate NICS checks through New Mexico Technet either by computer or by telephone. You must contact New Mexico Technet at 505-345-6555 to register and choose which method of contact you will be using to do NICS checks. If you have questions on using the system in your state you should contact New Mexico Technet at the above number or the Department of Public Safety at 505-827-9181.

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:

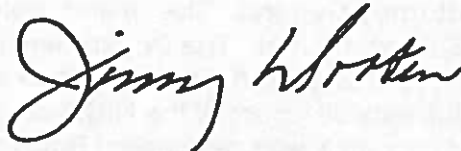
1. Have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. Contact NICS through New Mexico Technet. You will get either a "proceed," "denied" or "delayed" response from the system. 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 New Mexico Department of Public Safety.



Jimmy Wooten
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(Firearms, Explosives and Arson)