



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Enforcement Programs and Services

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PUBLIC SAFETY ADVISORY TO ALL ALABAMA FEDERAL FIREARMS LICENSEES

The purpose of this public safety advisory is to notify you of an important change to the procedure you may follow to comply with the Brady Handgun Violence Protection Act (Brady Act), codified at 18 U.S.C. § 922(t), when transferring a firearm to an unlicensed person.

The permanent provisions of the Brady Act took effect on November 30, 1998. The Brady Act generally requires Federal firearms licensees (FFLs) to initiate a National Instant Criminal Background Check System (NICS) check before transferring a firearm to an unlicensed person. However, the Brady Act 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.

On February 24, 2016, ATF issued an Open Letter to All Alabama FFLs informing them that ATF had reviewed Ala. Code § 13A-11-75 and determined that Alabama's CCP permits issued on or after August 1, 2013, qualified as an alternative to a NICS check. ATF's determination was based on the understanding that a full NICS check would be conducted by an authorized government official pursuant to Ala. Code § 13A-11-75(b) and, if the check revealed that the individual was prohibited from possessing a firearm under federal or state law, the applicant would be denied pursuant to Ala. Code § 13A-11-75(a)(1).¹ ATF also based this determination inherent in this decision was the understanding that an Immigration Alien Query (IAQ) would be conducted if a non-U.S. citizen applied for a CCP permit, and that all CCP permit application forms, regardless of the county of issuance, required the applicant's place/country of birth and an alien or admission number pursuant to Ala. Code § 13A-11-75(e). Otherwise, the IAQ cannot be conducted.

Based on recent information received from the Federal Bureau of Investigation, Criminal Justice Information Services Division Audit Unit, and upon results of inspections conducted by ATF field offices, ATF has determined that, notwithstanding the express requirements of Ala. Code § 13A-11-75, Alabama CCP permits have been, and continue to be, issued to individuals without completion of a NICS check, or after a NICS denial. At least some of these permits were issued

¹ See also Ala. Code § 13A-11-75(a)(6) ("Nothing in this section shall be construed to permit a sheriff to disregard any federal law or regulation pertaining to the purchase or possession of a firearm.").

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to felons and other federally prohibited persons who used them to purchase firearms from Alabama FFLs without a NICS check. In addition, ATF has determined that some Alabama counties have not been requiring non-U.S. citizen CCP permit applicants to submit the information necessary to run the IAQ, specifically, the place/country of birth and an alien registration or admission number.

Because county sheriffs have issued CCP permits without completing a full NICS check, firearms have been transferred to felons and other prohibited individuals in violation of federal law, thereby creating a substantial public safety concern. For this reason, the standards set forth in the Brady law require us to find that Alabama's CCP permits no longer qualify as a NICS check alternative. **In the interest of public safety, and effective immediately, FFLs in Alabama may no longer accept CCP permits as an alternative to a NICS check. Unless another exception applies, a NICS check must be conducted whenever you transfer a firearm to an unlicensed person even if the individual presents an unexpired CCP permit.**

If you have any questions about Alabama's Permit to Carry Pistol in Vehicle or Concealed on Person qualifying as an alternative to the NICS check, please call ATF's Firearms Industry Programs Branch at (202) 648-7190.



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