



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

October 12, 2004

**Open Letter to All California Federal Firearms Licensees**

The purpose of this letter is to inform you that, on September 20, 2004, Governor Schwarzenegger approved a change in California law that establishes an Entertainment Firearms Permit, and to further advise you of the affect this new permit may have on firearms transactions conducted under your Federal firearms license.

As you know, the Gun Control Act generally requires Federal firearms licensees (FFLs) to conduct a National Instant Criminal Background Check System (NICS) check on an unlicensed individual before transferring a firearm to him or her. 18 U.S.C. § 922(t)(1). However, there is an exception to this requirement if the transferee possesses a State permit that meets certain requirements, including that the State law provides that a NICS check will be conducted before the permit is issued and the permit will not be issued if the person is prohibited from possessing or receiving firearms under Federal, State, or local law. 18 U.S.C. § 922(t)(3) and 27 C.F.R. § 478.102(d).

ATF has reviewed the law creating California's Entertainment Firearms Permit. ATF finds that the Entertainment Firearms Permit meets the requirements for being recognized as a permit alternative to a NICS check. Accordingly, California FFLs do not need to conduct a NICS check before transferring firearms to persons in California who possess a valid California Entertainment Firearms Permit. We must caution, however, that this exception applies only to the Entertainment Firearms Permit, and that no other firearms license/permit issued by the State of California qualifies for this exception.

Should you have any questions concerning this letter or the Entertainment Firearms Permit, please contact your local ATF office or the Firearms Division of the California Department of Justice.

Sincerely yours,

Lewis P. Raden  
Assistant Director  
Enforcement Programs and Services