



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

July 12, 2006

Open Letter to All Kentucky Federal Firearms Licensees Effective July 12, 2006

The purpose of this letter is to advise you of an important change to the procedure you may follow beginning July 12, 2006. On this day, any Kentucky Carry Concealed Deadly Weapon License (CCDWL) issued on or after July 12, 2006, will qualify as an alternative to a National Instant Criminal Background Check System (NICS) check. Accordingly, the 1998 Open Letter to Kentucky Federal Firearms Licensees (FFLs) is superseded in regards to the information on "Alternatives to a NICS check."

Background

The permanent provisions of the Brady Law took effect on November 30, 1998. The Brady Law generally requires licensed dealers to initiate a NICS background check through the FBI before transferring a firearm to an unlicensed individual. However, the Brady Law contains a few exceptions to the NICS check requirement, including an exception for holders of certain State permits to possess, carry, or acquire firearms.

In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) sent an Open Letter to all Kentucky FFLs stating Kentucky concealed weapons permits issued after November 30, 1998, would not qualify as an alternative to the NICS check requirement. Kentucky recently passed a law, which takes effect on July 12, 2006, which changes the way CCDWLs are issued. The State of Kentucky asked ATF to review whether the CCDWL now met the statutory and regulatory requirements for the NICS exception. ATF's review found that based on the new law, any CCDWL issued on or after July 12, 2006, does meet the requirements.

How This Affects FFLs

Beginning July 12, 2006, if an unlicensed person presents you with a Kentucky CCDWL issued on or after July 12, 2006, no NICS check is necessary. However, the required information about the license must be recorded in question 23 of the ATF Form 4473, Firearms Transaction Record.

If you have any questions, please call ATF's Brady Operations Branch at 304-616-4200. As always, we thank you for your cooperation.

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