



Department of Treasury

Bureau of Alcohol, Tobacco, Firearms

Washington, DC 20226

April 24, 2000

Open Letter to All North Dakota Federal Firearms Licensees — Correction Notice

[Original Letter](#)

On October 30, 1998, the Bureau of Alcohol, Tobacco and Firearms (ATF) sent an open letter to all North Dakota Federal Firearms licensees advising you of your responsibilities under the permanent provisions of the Brady law. 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. ATF advised you of certain alternatives to a NICS check at the time of transfer. Specifically, the letter stated that concealed weapons permits issued prior to November 30, 1998, would be "grandfathered" as Brady alternatives for the duration of the permit, not to exceed 5 years from the date of issuance. However, permits issued on or after November 30, 1998, did not qualify as alternatives to the NICS check.

The provisions of North Dakota law regarding the issuance of concealed weapons permits were recently amended. North Dakota law now provides that concealed weapons permits may not be issued to any person who is prohibited from possessing a firearm under Federal law. In addition, ATF has been advised that the State of North Dakota began conducting NICS checks for concealed weapons permits on December 1, 1999.

Based on these changes, concealed weapons permits issued on or after December 1, 1999, will now qualify as alternatives to a NICS check at the time of transfer. Please note that permits issued during the period which began on November 30, 1998, and ended on November 30, 1999, do not qualify as alternatives to a NICS check.

The State of North Dakota has instituted a color-coding system to distinguish permits that qualify as an alternative to a NICS check at the time of transfer from those that do not. The qualifying permits are green in color. The permits that do not qualify as alternatives under the Brady law are orange in color.

As a reminder, if you transfer a firearm to an unlicensed person pursuant to the permit alternative, you must comply with the following requirements:

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. Verify that the permit was issued prior to November 30, 1998, or on or after December 1, 1999. Verify that the permit was issued within the past 5 years by North Dakota, and that the permit has not expired under State law.

4. Either retain a copy of the transferee's permit and attach it to the Form 4473, or record on the Form 4473 any identifying number from the permit, the date of issuance, and the expiration date of the permit.

All other information contained in the October 30, 1998, letter is unchanged.

If you have any questions, please contact your local ATF office. Questions regarding NICS operations issues should be directed to the FBI at (877) 444-6427.



John P. Malone
Assistant Director
Firearms, Explosives and Arson

RESCINDED