



Bureau of Justice Statistics

# Statistical Tables

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## Background Checks for Firearms Transfers, 2009—Statistical Table

**Michael Bowling, Ph.D.**

**Ronald J. Frandsen**

**Gene A. Lauver**

*Regional Justice Information Service*

**Allina D. Boutilier**

**Devon B. Adams**

*Bureau of Justice Statistics*

This web page describes background checks for firearm transfers conducted in 2009. The statistical tables below provide the number of firearm transaction applications checked by state points of contact and local agencies, the number of applications denied and the reasons for denial, and estimates of applications and denials conducted by each type of approval system. Data are also provided on appeals of denied applications and arrests for falsified applications.

The Regional Justice Information Service (REJIS) prepared these tables under the supervision of Devon B. Adams and Allina D. Boutilier, of the Bureau of Justice Statistics. Terry J. Tomazic, Professor of Sociology at Saint Louis University, served as statistical advisor and Dave Naglich at REJIS assisted with data analysis on the project. The tables were prepared under BJS cooperative agreement #2009-BJ-CX-K006. The BJS sponsored Firearm Inquiry Statistics (FIST) program collects information on firearm background checks conducted by state and local agencies and combines this information with Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS) transaction data. NCJ 231679.

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**By** Michael Bowling, Ph.D.

Ronald J. Frandsen

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### Summary findings

- From the inception of the Brady Act on March 1, 1994, through December 31, 2009, almost 108 million applications for firearm transfers or permits were subject to background checks. More than 1.9 million applications were denied. (Table 1)
- In 2009, 1.4% of the 10.8 million applications for firearm transfers or permits were denied by the FBI (67,000) or by state and local agencies (83,000). The denial rate for applications checked by the FBI (1.1%) was lower than the rate for checks by state and local agencies (1.8%). (Table 2)
- Among all state agencies, denial rates for instant check systems ranged from more than 4% to less than 1%. (Table 3a)
- A felony conviction or indictment was the most common reason for a denial by the FBI (49%), a state (39%), or a local agency (22%) in 2009. (Table 4)
- A domestic violence misdemeanor conviction or restraining order was the second most common reason for denial by a state (14%) or local agency (16%) in 2009. (Table 4)
- Among all agencies conducting background checks, 55% of applications were denied due to reasons other than a felony conviction in 2009. (Table 5)
- In 2009 more than 33,000 denials were appealed (22% of denials) and more than 12,000 appeals resulted in reversal of the denial (37% of appeals). (Table 6)

- According to state and local checking agencies that reported arrests, 1,512 denied persons were arrested in 2009 due to an outstanding warrant or submission of false information on an application. (Table 7)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) field offices investigated 4,681 National Instant Criminal Background Check System (NICS) denials that were referred by the FBI in 2009. (Table 8)
- Records of persons ineligible to possess a firearm due to a mental health commitment or adjudication increased 37% in the NICS Index from January 1, 2009, to December 31, 2009; overall, the number of records in the index increased 4%. (Table 9)

## Background

The Brady Handgun Violence Prevention Act of 1993 (Pub. L. No. 103-159, 107 Stat.1536 (1993), codified as amended at 18 U.S.C. Section 921 et seq.) mandates a criminal history background check on any person who attempts to purchase a firearm from a Federal Firearms Licensee (FFL). The permanent provisions of the Brady Act established the NICS, which is accessed by the FBI or a state point of contact (POC) prior to transferring a firearm. The NICS is a system comprising data on persons who are prohibited from purchasing or possessing a firearm under the Brady Act or under state law.

The Brady Act, prohibits transfer of a firearm to a person who—

- is under indictment for, or has been convicted of, a crime punishable by imprisonment for more than 1 year
- is a fugitive from justice
- is an unlawful user of, or addicted to, a controlled substance
- has been adjudicated as a mental defective or committed to a mental institution
- is an illegal alien or has been admitted to the United States under a nonimmigrant visa
- was dishonorably discharged from the U.S. Armed Forces
- has renounced U.S. citizenship
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child
- has been convicted of a misdemeanor crime of domestic violence
- is under age 18 for long guns or under age 21 for handguns.

An FFL contacts either the FBI or state POC to determine whether a prospective purchaser is prohibited from receiving a firearm. The FBI conducts all NICS checks for 29 states. POC agencies, which may be statewide or local, conduct all NICS checks for 13 other states. In the remaining 8 states, NICS checks are conducted by POC agencies on handgun transfer applicants and by the FBI on long gun transfer applicants. Several states require an additional background check, usually by a local agency that does not access the NICS but uses only state records. State laws may require a check on a permit applicant or a person who seeks to receive a firearm from an unlicensed seller.

For more information on the NICS, visit the FBI Criminal Justice Information Service (CJIS) website at: <http://www.fbi.gov/hq/cjisd/nics.htm>.

The Bureau of Justice Statistics (BJS) began the Firearm Inquiry Statistics (FIST) project in 1995 to provide national estimates of the total number of firearm applications received and denied

pursuant to the Brady Act and similar state laws. The FIST project collects counts of firearms transfers and permit checks conducted by state and local agencies and combines this information with the FBI NICS transaction data. In addition, FIST collects information on reasons for denials, appeals of denials, and law enforcement actions the FBI and the ATF have taken against denied persons.

## **Additional Information**

### **Components of the national firearm check system**

About 3,000 federal, state, and local agencies conduct background checks on persons who apply to purchase a firearm or for a permit that may be used to make a purchase. Variations in federal and state procedures for determining firearm possession eligibility are summarized below.

### **Overview of the National Instant Criminal Background Check System (NICS)**

Prospective firearm applicants undergo a NICS background check that has been requested by a dealer, or the applicant must present a state permit that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has qualified as an alternative to the point-of-transfer check.

ATF-approved permits are those that —

- allow an applicant to possess, acquire, or carry a firearm, and
- were issued not more than 5 years earlier by the state where the transfer is to take place, after an authorized government official verified that possession of a firearm by the applicant would not be a violation of law.

All permits issued since November 29, 1998, must have included a NICS check. Many state-qualifying permits may be used for multiple purchases while valid. State laws often provide that a permit will be revoked if the holder is convicted of an offense or otherwise becomes ineligible after receiving the permit. Prior to transferring a firearm under the permanent Brady provisions, a Federal Firearms Licensee (FFL) is required to obtain a completed Firearm Transaction Record (ATF form 4473) from the applicant.

An FFL initiates a NICS check by contacting either the FBI or the state POC. Most inquiries are initiated by telephone. In 2002 the FBI added E-Check to allow FFLs to request a check electronically. The FBI or POC queries available federal, state, and local systems and notifies the FFL that the transfer may proceed, may not proceed, or must be delayed pending further review of the applicant's record.

An applicant who is denied may appeal to the FBI or the POC. A denied person who submitted a false application or has an outstanding warrant may be subject to arrest and prosecution under federal or state laws.

### **State and local NICS participation**

Each state government determines the extent of its involvement in the NICS process.

Three levels of state involvement currently exist:

- A full POC requests a NICS check on all firearm transfers originating in the state.
- A partial POC requests a NICS check on all handgun transfers; FFLs in the state are required to contact the FBI for NICS checks for long gun transfers.
- The state does not maintain a POC; FFLs are required to contact the FBI for NICS checks on all firearm transfers originating in the state.

## Methodology

The Regional Justice Information Service (REJIS), through a cooperative agreement with BJS under the FIST program, collected the data from federal, state, and local agencies.

State and local checking agencies were stratified by size of the population served: state agencies that served an entire state population; local agencies that served a population greater than 100,000; local agencies that served a population between 10,000 and 100,000; and local agencies that served a population of less than 10,000. Population size was based on 2005 Census Bureau information. The population categories were chosen to be consistent with those used by the FBI when conducting similar studies.

The sample for the FIST survey was selected from the population of 2,951 state and local checking agencies. A total of 816 agencies were surveyed, including 30 statewide agencies and a stratified random sample of local agencies. Overall, 559 agencies provided data for a response rate of 69%.

<u>Number of agencies</u>				
<b>Population served by agencies</b>	<b>Total</b>	<b>Sample</b>	<b>Responses</b>	<b>Response rate</b>
<b>Total</b>	2,951	816	559	69%
<b>Statewide</b>	30	30	30	100%
<b>Under 10,000</b>	1,656	364	236	65
<b>10,000 to 100,000</b>	1,155	373	264	71
<b>Over 100,000</b>	110	49	29	59

National estimates of applications and denials were developed using population weighting factors. When an agency did not provide data for all months, missing data were imputed by calculating and applying a monthly average based on available data.

Michigan reported carry permit data by fiscal year, which was used to estimate for the calendar year. Pennsylvania reported 469,598 instant checks, included in the FIST national estimate, and 177,888 applications for nonexempt licenses to carry. Also, Pennsylvania provided the combined number of denials of all applications, which was prorated to obtain the number of denials of instant checks.

Information on appeals and arrests has been collected by the FIST project since the year 2000. The FBI provided data on appeals for 2009, and state and local agencies provided data on appeals and arrests for 2009.

## **Definitions**

**National Instant Criminal Background Check (NICS)** includes records contained within the systems searched by the NICS, which are: the Interstate Identification Index (millions of criminal history records), the National Crime Information Center (protection orders and active felony or misdemeanor warrants) and the NICS Index, a database created solely for the use of the NICS and containing information provided by local, state, and federal agencies pertaining to persons prohibited under federal law from receiving or possessing a firearm. Additionally, a fourth search of the applicable databases via the Department of Homeland Security's United States Immigration and Customs Enforcement is conducted for background checks initiated on all non-United States citizens.

**Firearm** is any weapon that is designed to or may readily be converted to expel a projectile by the action of an explosive.

**Handgun** is a firearm that has a short stock and is designed to be held and fired by the use of a single hand, such as a pistol or revolver.

**Long gun** is a firearm with a barrel extended to around 30 inches to improve accuracy and range, commonly with a shoulder butt, and designed to be fired with two hands, such as a rifle or shotgun.

**Federal Firearms Licensee (FFL)** is also known as a federally licensed firearms dealer. A dealer must be licensed by ATF to be classified as an FFL and enrolled with the FBI NICS to request a NICS check.

**Application** for firearm transfer is information submitted by a person to a state or local checking agency to purchase a firearm or obtain a permit that can be used for a purchase. Information may be submitted directly to a checking agency or forwarded by a prospective seller.

**Denial** occurs when an applicant is prohibited from receiving a firearm or a permit that can be used to receive a firearm because a disqualifying factor was found during a background check.

**Transactions** are inquiries to the Federal NICS system and may include more than one inquiry per application.

**Instant check** (instant approval) systems require a seller to transmit a purchaser's application to a checking agency by telephone or computer, after which the agency is required to respond immediately or as quickly as possible.

**Purchase permit systems** require a prospective firearm purchaser to obtain, after a background check, a government-issued document (called a permit, license, or identification card) that must be presented to a seller to receive a firearm.

**Exempt carry permit** is a state carry permit (issued after a background check) that exempts the holder from a check at the time of purchase under an ATF regulation or state law.

**Other approval systems** require a seller to transmit a purchaser's application to a checking agency by telephone or other electronic means; the agency is not required to respond immediately but must respond before the end of the statutory time limit.

## Related Publications

In electronic format only:

### Statistical tables

[2008](#), 8/09. NCJ 227471

[2007](#), 7/08. NCJ 223197

[2006](#), 3/08. NCJ 221786

In print and electronic formats:

[Background Checks for Firearm Transfers, 2005](#), 11/06. NCJ 214256

[Background Checks for Firearm Transfers, 2004](#), 10/05. NCJ 210117

[Background Checks for Firearm Transfers, 2003: Trends for the Permanent Brady Period, 1999-2003](#), 9/04. NCJ 204428

[Background Checks for Firearm Transfers, 2002](#), 9/03. NCJ 200116

[Background Checks for Firearm Transfers, 2001](#), 9/02. NCJ 195235

[Background Checks for Firearm Transfers, 2000](#), 7/01. NCJ 187985

[Background Checks for Firearm Transfers, 1999](#), 6/99. NCJ 180882

Data on this subject for the Brady Interim period prior to the permanent provisions are available in [Presale Handgun Checks, the Brady Interim Period, 1994-98](#).

Enforcement of the Brady Act, 2008: Federal and State Investigations and Prosecutions of Firearm Applicants Denied by a NICS Check in 2008

<http://www.ncjrs.gov/pdffiles1/bjs/231052.pdf>

Enforcement of the Brady Act, 2007: Federal and State Investigations and Prosecutions of Firearm Applicants Denied by a NICS Check in 2007

<http://www.ncjrs.gov/pdffiles1/bjs/grants/227604.pdf>

Enforcement of the Brady Act, 2006

<http://www.ncjrs.gov/pdffiles1/bjs/grants/222474.pdf>

Federal Firearms Cases, FY 2008

<http://www.ncjrs.gov/pdffiles1/bjs/grants/229420.pdf>

Federal Firearms Cases, FY 2007

<http://www.ncjrs.gov/pdffiles1/bjs/grants/224890.pdf>

[Survey of State Procedures Related to Firearm Sales, 2005](#), 11/06. Provides an overview of the firearm check procedures in each of the States and their interaction with the National Instant Criminal Background Check System (NICS) operated by the FBI. NCJ 214645

[Survey of State Procedures Related to Firearm Sales, Midyear 2004](#), 8/05. NCJ 209288

[Survey of State Procedures Related to Firearm Sales, Midyear 2003](#), 8/04. NCJ 203701

[Survey of State Procedures Related to Firearm Sales, Midyear 2002](#), 4/03. NCJ 198830

[Survey of State Procedures Related to Firearm Sales, Midyear 2001](#), 4/02. NCJ 192065

[Survey of State Procedures Related to Firearm Sales, Midyear 2000](#), 4/01. NCJ 186766

[Survey of State Procedures Related to Firearm Sales, Midyear 1999](#), 3/00. NCJ 179022

[Survey of State Procedures Related to Firearm Sales, 1997](#), 12/98. NCJ 173942

[Survey of State Procedures Related to Firearm Sales, 1996](#), 9/97. NCJ 160705

[Survey of State Procedures Related to Firearm Sales, 5/96](#). NCJ 160763

[Survey of State Records Included in Presale Background Checks: Mental Health Records, Domestic Violence Misdemeanor Records, and Restraining Orders, 2003](#), 8/04. Examines the quality and accessibility of certain criminal and noncriminal records when States conduct a firearm presale background check. NCJ 206042

Trends for Background Checks for Firearm Transfers 1999-2008

<http://www.ncjrs.gov/pdffiles1/bjs/grants/231187.pdf>



**Table 1. Number of applications and estimates of denials for firearm transfers or permits since the inception of the Brady Act, 1994-2009**

	Number of applications		Percent denied
	Received	Denied	
<b>Total</b>	107,845,000	1,925,000	1.8 %
<b>Brady interim period<sup>a</sup></b>			
1994-1998	12,740,000	312,000	2.4 %
<b>Permanent Brady<sup>b</sup></b>	95,105,000	1,613,000	1.7 %
1998 <sup>c</sup>	893,000	20,000	2.2
1999	8,621,000	204,000	2.4
2000	7,699,000	153,000	2.0
2001	7,958,000	151,000	1.9
2002	7,806,000	136,000	1.7
2003	7,831,000	126,000	1.6
2004	8,084,000	126,000	1.6
2005	8,278,000	132,000	1.6
2006	8,612,000	135,000	1.6
2007	8,658,000	136,000	1.6
2008	9,900,000	147,000	1.5
2009	10,764,000	150,000	1.4

Note: Counts are rounded to the nearest 1,000; therefore, annual numbers may not sum to cumulative totals in other tables.

<sup>a</sup>From March 1, 1994, to November 29, 1998, background checks on applicants were conducted by state and local agencies, mainly on handgun transfers. See *Presale Handgun Checks, the Brady Interim Period, 1994-98, (NCJ 175034)* <<http://www.ojp.usdoj.gov/bjs/abstract/phc98.htm>>.

<sup>b</sup>The National Instant Criminal Background Check System (NICS) began operations. Checks on handgun and long gun transfers are conducted by the Federal Bureau of Investigation (FBI), and by state and local agencies. Totals combine Firearm Inquiry Statistics (FIST) estimates for state and local agencies with transactions and denials reported by the FBI.

<sup>c</sup>November 30 to December 31, 1998. Counts are from the NICS operations report for the period and may include multiple transactions for the same application. See also *Methodology*.

**Table 2. Number of applications and denials, by type of agency and type of check, 1999–2009**

Type of checks conducted	2009			1999-2009 <sup>a</sup>		
	Applications	Denials	Percent denied	Applications	Denials	Percent denied
<b>National total (FIST and FBI)</b>	10,764,237	150,013	1.4 %	95,104,599	1,613,953	1.7 %
FBI total	6,083,428	67,324	1.1	54,242,433	748,229	1.4
State and local total (FIST) <sup>b</sup>	4,680,809	82,689	1.8	40,862,166	865,724	2.1
<b>State agencies</b>						
<b>Total</b>	4,067,155	65,662	1.6 %	35,042,085	733,884	2.1 %
Instant checks <sup>c</sup>	2,610,548	43,053	1.6	24,131,328	547,867	2.3
Purchase permits <sup>d</sup>	439,023	11,025	2.5	3,641,934	86,961	2.4
Exempt carry permits <sup>e</sup>	479,370	5,712	1.2	2,578,132	49,138	1.9
Other approvals <sup>f</sup>	538,214	5,872	1.1	4,690,691	49,918	1.1
<b>Local agencies<sup>g</sup></b>						
<b>Total</b>	920,304	17,027	1.9 %	7,128,269	131,840	1.8 %
Purchase permits <sup>d</sup>	508,060	10,313	2.0	4,332,109	91,749	2.1
Exempt carry permits <sup>e</sup>	344,615	6,296	1.8	2,210,132	35,433	1.6
Other approvals <sup>f</sup>	67,629	418	0.6	586,028	4,658	0.8

<sup>a</sup>Totals for the 10-year period include December 1998.

<sup>b</sup>Agencies that conduct exempt carry permit checks in Arizona, Arkansas, Kentucky, Mississippi, North Dakota, South Carolina, Texas, and Wyoming request an FBI background check, but the state agency makes the decision to approve or deny an applicant. Applications in these states are included in FBI checks but denials are included in state and local checks, causing a reduction of FIST total applications by 306,650 in 2009 and by 1,308,188 for 1999 to 2009.

<sup>c</sup>Instant check requires a seller to transmit a buyer's application to a checking agency by telephone or computer; the agency is required to respond immediately or as soon as possible.

<sup>d</sup>Purchase permit systems require a buyer to obtain, after a background check, a government-issued document such as a permit, license, or identification card that must be presented to a seller in order to receive a firearm.

<sup>e</sup>Exempt carry permit is a state concealed weapons permit, issued after a background check, that exempts the holder from a new check at the time of purchase under an ATF ruling or state law.

<sup>f</sup>Other approval systems require a seller to transmit an application to a checking agency, with transfers delayed until a waiting period expires or the agency completes a check.

<sup>g</sup>Totals were estimated. See *Methodology* for more detail.

**Table 3a. Number of firearm applications received and denied by selected state agencies, 1999-2009**

State agencies	2009			1999-2009		
	Applications	Denials	Percent denied	Applications	Denials	Percent denied
<b>Transfer checks or permits</b>						
California	483,874	5,065	1.0 %	4,210,454	42,545	1.0 %
Colorado	208,025	5,421	2.6	1,695,474	61,102	3.6
Connecticut <sup>a</sup>	136,739	152	0.1	...	...	...
Purchase permits	44,535	34	0.1	...	...	...
Instant checks	92,204	118	0.1	704,649	1,637	0.2
Delaware	14,024	522	3.7	116,631	4,958	4.3
Florida	532,094	7,573	1.4	3,719,663	77,703	2.1
Hawaii <sup>b</sup>	12,606	134	1.1	...	...	...
Illinois <sup>a</sup>	551,030	11,282	2.0	4,571,805	86,964	1.9
Purchase permits	326,008	10,222	3.1	2,715,717	74,694	2.8
Instant checks	225,022	1,060	0.5	1,856,088	12,270	0.7
Maryland	43,114	699	1.6 %	330,367	5,998	1.8 %
Nevada	94,322	1,683	1.8	...	...	...
New Hampshire <sup>c</sup>	26,403	204	0.8	174,722	1,696	1.0
New Jersey <sup>a,b</sup>	113,274	740	0.7	895,054	9,682	1.1
Purchase permits	55,874	635	1.1	459,688	8,473	1.8
Instant checks	57,400	105	0.2	435,366	1,209	0.3
Oregon	166,873	2,169	1.3	1,367,679	25,128	1.8
Rhode Island <sup>b</sup>	11,226	108	1.0	...	...	...
Tennessee	298,692	12,291	4.1	2,317,399	99,985	4.3
Utah <sup>d</sup>	81,959	2,395	2.9	816,817	23,650	2.9
Virginia	287,462	3,101	1.1	2,389,596	28,120	1.2
Wisconsin <sup>c</sup>	56,470	562	1.0	412,680	5,902	1.4
<b>Exempt carry permits</b>						
Arizona	40,242	1,197	3.0 %	276,407	13,755	5.0 %
Arkansas	33,626	102	0.3	...	...	...
Kentucky	26,204	597	2.3	...	...	...
Minnesota <sup>d,e</sup>	22,378	374	1.7	...	...	...
Mississippi	7,233	1	0.0	...	...	...
North Dakota	7,149	8	0.1	...	...	...
South Carolina	46,753	702	1.5	170,248	3,080	1.8
Texas	139,271	503	0.4	...	...	...
Utah	77,237	913	1.2	219,642	3,019	1.4
Wyoming	6,172	120	1.9	21,622	421	1.9

Note: Each listed state reported complete statewide data for applications and denials in 2009.

Pennsylvania reported 469,598 instant checks for 2009, but the number denied is unavailable.

...Not available or not applicable.

<sup>a</sup>Connecticut, Illinois, and New Jersey conduct checks on permit or identification card applicants and on firearm transfer applicants.

<sup>b</sup>Hawaii and New Jersey permit checks and Rhode Island purchase checks are conducted by local agencies, but counts are reported by the states.

<sup>c</sup>Counts include only handguns for these states.

<sup>d</sup>Permits are only exempt under state law. Other carry permits listed have a federal exemption.

<sup>e</sup>Permits are issued locally, but counts are reported by the state.

See also *Methodology*.

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**Table 3b. Local denial rates, by type of permit and community size, 1999-2009**

Population served by checking agency	2009			1999-2009		
	Applications	Denials	Percent denied	Applications	Denials	Percent denied
<b>Purchase permits</b>						
Under 10,000	12,926	143	1.1 %	137,763	1,732	1.3 %
10,000 to 100,000	53,822	1,004	1.9	614,929	10,632	1.7
Over 100,000	52,099	1,178	2.3	440,312	12,031	2.7
Total	118,847	2,325	2.0	1,193,004	24,395	2.0
<b>Exempt carry permits</b>						
Under 10,000	4,796	41	0.9 %	53,249	497	0.9 %
10,000 to 100,000	47,842	745	1.6	301,054	4,343	1.4
Over 100,000	46,116	1,069	2.3	232,894	4,496	1.9
Total	98,754	1,855	1.9	587,197	9,336	1.6

Note: Counts are from agencies that provided data.

See also *Methodology*.

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**Table 4. Reasons for denial of firearm transfer applications, by type of checking agency, 1999–2009**

Reason for denial	2009			1999-2009		
	FBI <sup>a</sup>	State	Local	FBI <sup>a</sup>	State	Local
<b>Total</b>	100 %	100 %	100 %	100 %	100 %	100 %
<b>Felony indictment/conviction</b>	48.5	39.4	21.7	64.5	52.8	26.4
<b>State law prohibition</b>	11.2	10.7	6.3	2.6	7.7	12.4
<b>Domestic violence</b>	11.5	13.5	15.8	16.0	13.6	13.5
Misdemeanor conviction	7.2	10.2	13.9	11.6	10.1	11.6
Restraining order	4.3	3.3	1.9	4.4	3.5	1.9
<b>Fugitive</b>	16.8	7.1	1.0	6.6	6.8	1.3
<b>Illegal alien</b>	1.0	0.3	0.7	1.3	0.4	0.5
<b>Mental illness or disability</b>	1.4	6.2	5.3	0.6	2.5	4.4
<b>Drug user/addict</b>	9.3	1.6	15.2	7.7	1.1	8.9
<b>Local law prohibition</b>	...	...	1.5	...	...	5.1
<b>Other prohibitions<sup>b</sup></b>	0.3	21.2	32.5	0.7	15.1	27.5

Note: Reasons for denials are based on 18 U.S.C. 922 and state laws.

...Not available or Not applicable

<sup>a</sup>During 2008 the FBI began a new classification system and reclassified all denials from 1999 to 2008. Thus, cumulative totals are not comparable with those in prior editions of this bulletin.

<sup>b</sup>Includes juveniles, persons dishonorably discharged from the Armed Services, persons who have renounced U. S. citizenship, and other unspecified persons.

See also *Methodology*.

**Table 5. Percent change in the number of applications, denials, and reasons for denials, 1999-2009**

	2009	1999	Percent change 1999-2009
<b>Applications</b>	10,764,000	8,621,000	24.9 %
<b>Denials*</b>	150,000	204,000	-26.5
<b>Felony denials</b>	67,000	148,000	-54.7
All other reasons	83,000	56,000	48.2
Percent felony	45.0 %	73.0 %	-38.8 %
<b>Felony denials per 1,000 applications</b>	6.2	17.2	-63.8

Note: Counts are rounded to the nearest 1,000; therefore, annual numbers may not sum to cumulative totals in other tables.

\*During 2008 the FBI began a new classification system and reclassified all denials from 1999 to 2008.

See also *Methodology*.

**Table 6. Appeals, by type of checking agency, 2000-2009**

Type of checking agency	2009				2000-2009 <sup>a</sup>			
	Appeals		Reversed		Appeals		Reversed	
	Number	Percent of denials <sup>b</sup>	Number	Percent of appeals	Number	Percent of denials <sup>b</sup>	Number	Percent of appeals
<b>Total</b>	33,118	22.1 %	12,099	36.5 %	248,317	17.2 %	94,882	38.2 %
<b>FBI</b>	14,211	21.1 %	3,332	23.4 %	99,834	14.9 %	30,095	30.1 %
<b>State</b>	18,683	28.7 %	8,727	46.7 %	146,999	22.9 %	64,350	43.8 %
Colorado	1,933	35.7	1,465	75.8	17,355	31.9	10,208	58.8
Florida	2,750	36.3	917	33.3	20,410	28.5	6,341	31.1
Oregon	1,986	91.6	110	5.5	13,949	58.5	1,017	7.3
Pennsylvania <sup>c</sup>	3,721	46.6	1,448	38.9	41,566	43.8	17,101	41.1
Tennessee	8,081	65.7	4,584	56.7	47,598	56.9	26,875	56.5
Other states	212	0.7	203	95.8	6,121	2.0	2,808	45.9
<b>Local</b>	224	1.3 %	40	17.9 %	1,484	1.1 %	437	29.4 %

<sup>a</sup>Appeals data have been collected since 2000. Some states did not report appeals for all years.

<sup>b</sup>See tables 2 and 3a for the number of denials.

<sup>c</sup>Counts include appeals of firearm sales denials and license denials.

See also *Methodology*.

**Table 7. Reported arrests of persons denied firearm permit or purchase, 2000–2009**

Type of checking agency	Number of arrests	
	2009	2000-2009 <sup>a</sup>
<b>Total</b>	1,512	14,921
<b>States</b>	1,456	14,548
Colorado <sup>b</sup>	115	1,941
Connecticut <sup>c</sup>	/	65
Delaware <sup>b</sup>	/	24
Georgia <sup>d</sup>	...	349
Maryland <sup>c</sup>	/	559
New Jersey <sup>b</sup>	/	36
Oregon <sup>b</sup>	82	1,130
Pennsylvania <sup>b</sup>	329	2,853
Virginia <sup>b</sup>	930	7,591
<b>Local agencies</b>	56	373

/ Not reported

... Not applicable.

<sup>a</sup>Arrest data have been collected since 2000. Some states did not report arrests for all years.

<sup>b</sup>Arrests were made by state police units or local agencies and may not always be reported to the state.

<sup>c</sup>A statewide unit responded to all falsified applications and illegal attempts to buy firearms.

<sup>d</sup>No longer operated as a point of contact state after 2004.



**Table 8. ATF investigation of National Instant Criminal Background Check System (NICS) denials by the FBI, 2009**

	<b>Total</b>	<b>Percent</b>
<b>FBI denials referred to ATF Brady Operations</b>	71,010	100 %
<b>Brady Operations referrals to ATF field divisions<sup>a</sup></b>		
<b>Total referred to field</b>	4,681	6.6 %
Delayed denials <sup>b</sup>	2,390	3.4
Standard referrals <sup>c</sup>	2,291	3.2
<b>Not referred to field</b>	64,221	90.4
<b>Not referred and overturned</b>	2,108	3.0
<b>Reasons for referrals to ATF field divisions</b>		
Subject to protective order	1,343	28.7 %
Domestic violence misdemeanor	1,149	24.5
Convicted felon	1,057	22.6
Unlawful user of controlled substance	418	8.9
Under indictment or information <sup>d</sup>	375	8.0
Fugitive from justice	257	5.5
Illegal or unlawful alien	42	0.9
Adjudicated mentally defective	32	0.7
Other reasons <sup>e</sup>	8	0.2

Note: Total may not sum to 100% due to rounding.

<sup>a</sup>A denial is referred if it is likely to merit prosecution under ATF and U.S. Attorney criteria.

<sup>b</sup>A firearm may be obtained during an "open transaction" where the FBI has not completed a check in 3 business days and the dealer is allowed to transfer the firearm. If the FBI completes the check and finds that the buyer is prohibited, a delayed denial referral is made to ATF.

<sup>c</sup>A standard referral involves a person who is not allowed to receive a firearm because the FBI found a prohibitory record within 3 business days.

<sup>d</sup>An "information" is a formal accusation of a crime, which differs from an "indictment" because it is made by a prosecuting attorney rather than a grand jury.

<sup>e</sup>The category "other reasons" is compiled from four other prohibiting categories used by the Brady Operations Branch to refer denials for field investigation.

Source: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Brady Operations Branch.

See also *Methodology*.

**Table 9. Counts of National Instant Criminal Background Check System (NICS) Index prohibited person records, 2009**

Type of record	December 31, 2009			January 1, 2009			Index percent change
	Index totals	Submissions		Index totals	Submissions		
		State	Federal		State	Federal	
<b>Total</b>	5,687,562	1,515,892	4,171,670	5,483,941	1,185,471	4,298,470	4 %
Felony	331,537	323,237	8,300	250,188	247,062	3,126	33
Under Indictment/Information	243	27	216	230	17	213	6
Fugitive from Justice	364,550	358,711	5,839	349,029	343,173	5,856	4
Controlled Substance	1,361	230	1,131	5,601	4,439	1,162	-76
Mental Committed/Adjudicated	888,807	766,437	122,370	648,120	531,295	116,825	37
Illegal or Unlawful Alien	3,978,988	47	3,978,941	4,109,873	41	4,109,832	-3
Dishonorable Discharge	16,149	9	16,140	15,871	4	15,867	2
Renounced U.S. Citizenship	14,337	1	14,336	13,623	1	13,622	5
Protection/Restraining Order	976	883	93	1,056	955	101	-8
Misdemeanor Domestic Violence	53,609	29,306	24,303	46,286	19,982	26,304	16
Denied Persons	37,005	37,004	1	44,064	38,502	5,562	-16

Note: The NICS Index is used exclusively for NICS checks and contains records of persons who are prohibited by federal law from receiving or possessing a firearm. Records are contributed by local, state, and federal agencies.

See also *Methodology*.

**Appendix table 1. Agencies conducting firearm background checks, December 31, 2009**

Jurisdiction	Names or description of checking agencies	
	Purchase check or permit	Exempt carry permit <sup>a</sup>
<b>United States</b>	Federal Bureau of Investigation	---
Alabama	---	---
Alaska	---	---
Arizona	---	Department of Public Safety
Arkansas	---	State Police
California	Department of Justice Firearms Division	---
Colorado	Bureau of Investigation Insta-Check Unit	---
Connecticut	State Police Special Licensing & Firearms	---
Delaware	State Police Bureau of Identification	Three county superior courts
Florida	Department of Law Enforcement	---
Georgia	---	159 county probate courts
Hawaii	Four police departments	---
Idaho	---	44 county sheriffs
Illinois	State Police FOID and FTIP units	---
Indiana	---	---
Iowa	Dept. of Public Safety / 99 county sheriffs	Dept. of Public Safety / 99 county sheriffs
Kansas	---	---
Kentucky	---	State Police
Louisiana	---	---
Maine	---	---
Maryland	State Police Firearms Enforcement Division	---
Massachusetts	351 police departments	351 police departments
Michigan	595 sheriffs and police departments	County licensing boards
Minnesota	568 sheriffs and police departments	87 county sheriffs
Mississippi	---	Department of Public Safety
Missouri	---	---
Montana	---	56 county sheriffs
Nebraska	95 sheriffs and police departments	---
Nevada	Department of Public Safety	---
New Hampshire	Department of Safety	---
New Jersey	State Police / 505 local police departments	---
New Mexico	---	---
New York <sup>b</sup>	58 county sheriffs; some police departments	---
North Carolina	100 county sheriffs	100 county sheriffs
North Dakota	---	Bureau of Criminal Investigation
Ohio	---	---
Oklahoma	---	---
Oregon	State Police Firearms Unit	---
Pennsylvania	State Police Firearms Division	---
Rhode Island	39 police departments	---
South Carolina	---	Law Enforcement Division
South Dakota	---	---
Tennessee	Bureau of Investigation Instant Check	---
Texas	---	Department of Public Safety
Utah	Bureau of Criminal Identification	Bureau of Criminal Identification
Vermont	---	---
Virginia	State Police Firearm Transaction Program	---
Washington	291 sheriffs and police departments	---
West Virginia	---	---
Wisconsin	Department of Justice Handgun Hotline	---
Wyoming	---	Wyoming Attorney General

--- FBI conducts purchase checks or jurisdiction has no exempt permits.

<sup>a</sup>Agencies listed issue carry permits that may be used to waive a purchase check.

<sup>b</sup>License required for purchase may also allow carrying.

**Appendix table 2. National Instant Criminal Background Check System (NICS): Checking agencies -- FBI or State point of contact -- for firearm transfers, 2009**

State	FBI conducts checks for all firearms <sup>a</sup>	POC conducts checks for all firearms	POC checks handguns FBI checks long guns
<b>Total</b>	29	13	8
Alabama	X		
Alaska	X		
Arizona	X		
Arkansas	X		
California		X	
Colorado		X	
Connecticut		X	
Delaware	X		
Florida		X	
Georgia	X		
Hawaii <sup>b</sup>		X	
Idaho	X		
Illinois		X	
Indiana	X		
Iowa <sup>b</sup>			X
Kansas	X		
Kentucky	X		
Louisiana	X		
Maine	X		
Maryland			X
Massachusetts	X		
Michigan <sup>b</sup>			X
Minnesota	X		
Mississippi	X		
Missouri	X		
Montana	X		
Nebraska <sup>b</sup>			X
Nevada		X	
New Hampshire			X
New Jersey		X	
New Mexico	X		
New York	X		
North Carolina <sup>b</sup>			X
North Dakota	X		
Ohio	X		
Oklahoma	X		
Oregon		X	
Pennsylvania		X	
Rhode Island	X		
South Carolina	X		
South Dakota	X		
Tennessee		X	
Texas	X		
Utah		X	
Vermont	X		
Virginia		X	
Washington <sup>b</sup>			X
West Virginia	X		
Wisconsin			X
Wyoming	X		

Note: Includes checks on purchases or on permits required for purchase.

<sup>a</sup>The FBI also conducts all NICS checks for the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

<sup>b</sup>States with multiple points of contact.

**Appendix table 3. Forums for appeals of denials, 2009**

State	Type of check	Appeal forums		
		Denying agency	Other agency	Court system
Arizona	Exempt carry	X	...	X
California	Other approval	X	...	...
Colorado	Instant check	X	...	...
Connecticut	Instant check	X	...	...
	Purchase permit	...	X	...
Delaware	Instant check	X	...	X
	Exempt carry	...	...	X
Florida	Instant check	X	...	...
Georgia	Exempt carry	...	...	X
Illinois	Instant check	X	...	X
	Purchase permit	X	...	X
Iowa	Purchase permit	...	...	X
	Exempt carry	...	...	X
Maryland	Other approval	X	...	X
Massachusetts	Purchase permit	...	...	X
	Exempt carry	...	...	X
Michigan	Purchase permit	...	...	X
	Exempt carry	...	...	X
Minnesota	Purchase permit	...	...	X
	Exempt carry	...	...	X
Mississippi	Exempt carry	X	...	X
Montana	Exempt carry	...	...	X
Nebraska	Purchase permit	...	...	X
Nevada	Instant check	X	...	...
New Hampshire	Instant check	X	...	X
New Jersey	Instant check	X	...	...
	Purchase permit	...	...	X
North Carolina	Purchase permit	...	...	X
	Exempt carry	...	...	X
North Dakota	Exempt carry	...	...	X
Oregon	Instant check	X	...	...
Pennsylvania	Instant check	X	X	X
South Carolina	Exempt carry	X	...	...
Tennessee	Instant check	X	...	...
Texas	Exempt carry	...	...	X
Utah	Instant check	X	...	...
	Exempt carry	...	X	...
Virginia	Instant check	X	...	X
Washington	Other approval	...	...	X
Wisconsin	Instant check	X	...	X
Wyoming	Exempt carry	X	...	...

Note: Statute or regulation provides a specific procedure to appeal a denial of a firearm transfer or permit.

In addition, some denying agencies may reconsider a decision even if not required to do so by law.

... Not applicable