



December 2014, NCJ 247815

# Background Checks for Firearm Transfers, 2012 - Statistical Tables

Bureau of Justice Statistics • Statistical Tables

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**N**early 148 million applications for firearm transfers or permits were subject to background checks from the inception of the Brady Handgun Violence Prevention Act of 1993 on March 1, 1994, through December 31, 2012. During this period, about 2.4 million applications (1.6%) were denied (table 1). In 2012, approximately 15.7 million applications were subject to background checks, and 192,000 (1.2%) were denied, including about 88,000 denied by the FBI and about 104,000 denied by state and local agencies.

Data in this report were obtained from the Bureau of Justice Statistics' (BJS) Firearms Inquiry Statistics (FIST) program. The FIST program collects

information on firearm applications and denials and combines this information with the FBI's National Instant Criminal Background Check System (NICS) transaction data to produce an estimated number of background checks for firearm transfers or permits since the inception of the Brady Act.

These statistical tables describe trends in background check activities that occurred in 2012. Data include the number of firearm transaction applications processed by the FBI and by state and local agencies, the number of applications denied, reasons for denial, and estimates of applications by state and by each type of approval system.

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## Summary findings

- Since the inception of the Brady Act on March 1, 1994, through December 31, 2012, nearly 148 million applications for firearm transfers or permits were subject to background checks. More than 2.4 million applications (1.6%) were denied (**table 1**).
- There were 15.7 million applications for firearm transfers in 2012, an increase of more than 5 million applications since 2010.
- About 1.2% of the 15.7 million applications for firearm transfers or permits in 2012 were denied—about 88,000 by the FBI and nearly 104,000 by state and local agencies (**table 2**).
- Among state agencies, denial rates in 2012 were 2.3% for purchase permits, 1.5% for instant checks, 1% for other approvals, and 0.9% for exempt carry permits (**table 3**).
- Among local agencies, the denial rates in 2012 were 3.1% for purchase permit checks and 1.2% for exempt carry permit checks (**table 4**).
- A felony conviction (43%) was the most common reason for the FBI to deny an application in 2012. A fugitive from justice status (19%) was the second most common reason (**table 5**).
- Among the 20 state agencies that reported reasons for denial, a felony conviction (29%) was the most common reason to deny an application in 2012. A state law prohibition (21%) was the second most common reason.
- Excluding other prohibitions, of the approximately 300 local agencies that reported reasons for denial, a state law prohibition (20%) was the most common reason to deny an application in 2012.
- Among all agencies that reported reasons for denials in 2012, denial of an application due to a felony conviction or indictment accounted for approximately 43% of denials (**table 6**).
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) field offices investigated 5,313 NICS denials that were referred by the FBI in 2012 (**table 7**).

## 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. § 921 et seq.) mandates that a criminal history background check be performed 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 Gun Control Act, 18 U.S.C. 922, 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 a state POC to determine whether a prospective purchaser is prohibited from receiving a firearm. During 2012, the FBI conducted all NICS checks for 29 states and the District of Columbia. POC agencies, which may be statewide or local, conducted all NICS checks for 13 other states. In the remaining 8 states, POC agencies conducted NICS checks on handgun transfer applicants and the FBI conducted checks on long gun transfer applicants. Several states require an additional background check that does not access the NICS. 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's Criminal Justice Information Service (CJIS) website at <http://www.fbi.gov/about-us/cjis/nics>.

BJS began the FIST program 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 firearm transfers and permit checks conducted by state and local agencies and combines this information with the FBI's NICS transaction data. In addition, FIST collects information on reasons for denials, appeals of denials, and law enforcement actions the FBI and ATF have taken against denied persons.

## Overview of the national firearm check system

About 1,300 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.

Prospective firearm applicants must either undergo a NICS background check that has been requested by a dealer or present a state permit that the ATF has qualified as an alternative to the point-of-transfer check.

ATF-qualified permits are those that—

- allow an applicant to possess, acquire, or carry a firearm
- 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 NICS-alternative 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, an 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 state 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.

When an FFL initiates a NICS background check, a name and descriptor search is conducted to identify any matching records in three nationally held databases managed by the FBI's CJIS. The following databases are searched during the background check process:

- The Interstate Identification Index (III) maintains subject criminal history records. As of December 31, 2012, the NICS accessed and searched 64,064,033 III records during a background check.
- The National Crime Information Center (NCIC) contains data on persons who are the subjects of protection orders or active criminal warrants, immigration violators, and others. As of December 31, 2012, the NICS searched 5,181,766 NCIC records during a background check.

- The NICS Index, a database created specifically for the NICS, collects and maintains information contributed by federal, state, local, and tribal agencies pertaining to persons prohibited from receiving or possessing a firearm pursuant to federal and state law. Typically, the records maintained in the NICS Index are not available via the III or the NCIC. As of December 31, 2012, the NICS Index contained 8,323,931 records.

The relevant databases of the U.S. Immigration and Customs Enforcement (ICE) are searched for non-U.S. citizens who attempt to receive firearms in the United States. In 2012, the NICS Section and the POC states sent 112,381 such queries to ICE. From February 2002 to December 31, 2012, ICE conducted over 441,020 queries for the NICS.<sup>1</sup>

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.

## Other uses of the NICS

In addition to NICS background checks required by the Brady Act, use of the NICS is limited to providing information to federal, state, or local criminal justice agencies in connection with the issuance of a firearm- or explosives-related permit or license, or responding to an inquiry from ATF in connection with a civil or criminal law enforcement activity relating to federal firearms laws (28 CFR § 25.6). Firearm-related permits include ATF-qualified alternative permits and other permits issued by state or local agencies. In addition to checks on new and renewed applications, rechecks may be conducted on current permit holders.

<sup>1</sup>Additional information about the NICS background check process is detailed in the NICS 2012 Operations Report at <http://www.fbi.gov/about-us/cjis/nics/reports/2012-operations-report>.

**TABLE 1****Estimated number of firearm applications received and denied since the inception of the Brady Act, 1994–2012**

	Number of applications		Percent denied
	Applications	Denials	
<b>Total</b>	147,649,000	2,431,000	1.6%
<b>Brady interim period<sup>a</sup></b>			
1994–1998	12,740,000	312,000	2.4%
<b>Permanent Brady<sup>b</sup></b>	134,909,000	2,119,000	1.6%
1998 <sup>c</sup>	893,000	20,000	2.2
1999	8,621,000	204,000	2.4
2000	7,753,000	153,000	2.0
2001	8,068,000	151,000	1.9
2002	7,926,000	136,000	1.7
2003	7,883,000	126,000	1.6
2004	8,133,000	126,000	1.5
2005	8,324,000	132,000	1.6
2006	8,772,000	135,000	1.5
2007	8,836,000	136,000	1.5
2008	10,131,000	147,000	1.5
2009	11,071,000	150,000	1.4
2010	10,643,000	153,000	1.4
2011 <sup>d</sup>	12,135,000	160,000	1.3
2012	15,718,000	192,000	1.2

Note: Counts are rounded to the nearest 1,000. Detail may not sum to total due to rounding. Totals include applications and denials from December 1998 and estimates for state and local agencies in 2011, when FIST data was not collected. The FIST and national application totals were adjusted by 1,546,512 to account for applications that were not included in the 2000 to 2010 FIST totals because of the assumption that they were included in the FBI totals. This increase did not impact the number of denials and had only a negligible impact on the denial rate. See *Methodology*.

<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, BJS web, June 1999.

<sup>b</sup>The National Instant Criminal Background Check System (NICS) began operations in 1998. Checks on handgun and long gun transfers are conducted by the FBI and state and local agencies.

<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.

<sup>d</sup>Totals for 2011 were estimated. For more information on estimation method, see *Methodology*.

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 1996–2012; and FBI, National Instant Criminal Background Check System (NICS) Transaction Statistics, 1994–2012.

**TABLE 2**  
**Firearm applications received and denied, by type of agency and type of check, 2012**

Type of checks conducted	2012			1999–2012 <sup>a,b</sup>		
	Applications	Denials	Percent denied	Applications	Denials	Percent denied
<b>National total (FIST and FBI)</b>	15,718,298	192,043	1.2%	134,909,310	2,119,044	1.6%
FBI total	8,725,425	88,479	1.0	75,880,877	987,578	1.3
State and local total (FIST)	6,992,873	103,564	1.5	59,028,433	1,131,466	1.9
<b>State agencies</b>	6,132,983	86,931	1.4%	49,556,038	954,719	1.9%
Instant checks <sup>c</sup>	3,998,833	58,244	1.5	33,600,628	695,621	2.1
Purchase permits <sup>d</sup>	635,716	14,463	2.3	5,136,057	125,010	2.4
Exempt carry permits <sup>e</sup>	593,278	5,399	0.9	4,018,836	63,731	1.6
Other approvals <sup>f</sup>	905,156	8,825	1.0	6,803,664	70,358	1.0
<b>Local agencies<sup>g</sup></b>	859,890	16,633	1.9%	9,472,395	176,746	1.9%
Purchase permits <sup>d</sup>	378,041	11,735	3.1	5,452,063	122,816	2.3
Exempt carry permits <sup>e</sup>	304,093	3,579	1.2	2,996,317	45,016	1.5
Other approvals <sup>f</sup>	177,756	1,319	0.7	1,024,016	8,914	0.9

Note: Totals include applications and denials from December 1998 and estimates for state and local agencies in 2011, when FIST data was not collected. The FIST and national application totals were adjusted by 1,546,512 to account for applications that were not included in the 2000 to 2010 FIST totals because of the assumption that they were included in the FBI totals. This increase did not impact the number of denials and had only a negligible impact on the denial rate. See *Methodology*.

<sup>a</sup>Includes December 1998.

<sup>b</sup>Includes estimates for state and local agencies in 2011, when FIST was not collected. For details on the estimation procedure used, see *Methodology*.

<sup>c</sup>Require 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>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 before the buyer can receive a firearm.

<sup>e</sup>State concealed weapons permits, issued after a background check, that exempt the holder from a new check at the time of purchase under a Bureau of Alcohol, Tobacco, Firearms and Explosives ruling or state law.

<sup>f</sup>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. For more information, see *Methodology*.

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012; and FBI, National Instant Criminal Background Check System (NICS) Transaction Statistics, 2012.

**TABLE 3**  
Firearm applications received and denied by state agencies, by type of check, 2012

Type of check and jurisdiction	Applications	Denials	Percent denied
<b>Instant check</b>	3,998,833	58,244	1.5%
Colorado	343,302	7,362	2.1
Connecticut	127,199	213	0.2
Delaware <sup>a</sup>	9,489	336	3.5
Florida	797,610	11,186	1.4
Illinois	358,791	1,398	0.4
Nevada	126,274	1,913	1.5
New Hampshire	44,683	435	1.0
New Jersey	88,575	355	0.4
Oregon	259,513	2,525	1.0
Pennsylvania <sup>b</sup>	703,722	7,853	1.1
Tennessee	462,146	18,023	3.9
Utah	106,978	2,081	1.9
Virginia	432,387	3,444	0.8
Wisconsin	138,164	1,120	0.8
<b>Other approval</b>	905,156	8,825	1.0%
California	817,738	7,633	0.9
Maryland	69,893	1,055	1.5
Rhode Island <sup>c</sup>	17,525	137	0.8
<b>Purchase permit</b>	635,716	14,463	2.3%
Connecticut	41,024	1,160	2.8
District of Columbia	552	1	0.2
Hawaii <sup>c</sup>	21,864	227	1.0
Illinois	338,614	6,452	1.9
Massachusetts <sup>c</sup>	34,501	2,178	6.3
Michigan <sup>c</sup>	132,520	2,837	2.1
New Jersey <sup>c</sup>	66,641	1,608	2.4
<b>Exempt carry</b>	593,278	5,399	0.9%
Arizona	56,496	227	0.4
Arkansas	30,462	474	1.6
Kansas	15,707	53	0.3
Kentucky	29,788	577	1.9
Michigan <sup>c</sup>	82,347	1,301	1.6
Minnesota <sup>c, d</sup>	33,816	285	0.8
Mississippi	14,404	2	--
Nebraska	8,454	39	0.5
North Dakota	12,436	191	1.5
South Carolina	64,437	1,105	1.7
Texas	159,931	481	0.3
Utah	81,122	628	0.8
Wyoming	3,878	36	0.9

Note: Applications include transfers and permits. Types of firearms included in a state's checks or permits are described in *State notes*. For more information on reporting agencies and sample design, see *Methodology*.

--Less than 0.05%.

<sup>a</sup>Counts are for January to June 2012.

<sup>b</sup>Number of denials was estimated.

<sup>c</sup>Totals for local agencies were compiled by a state agency.

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

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.

**TABLE 4**  
Firearm applications received and denied by local agencies, by community size and type of permit, 2012

Population served	Applications	Denials	Percent denied
<b>Purchase permits</b>	378,041	11,735	3.1%
Population served			
9,999 or fewer	30,140	415	1.4%
10,000–99,999	139,976	5,000	3.6
100,000–199,999	73,100	2,301	3.1
200,000 or more	134,825	4,018	3.0
<b>Exempt carry permits</b>	304,093	3,579	1.2%
Population served			
9,999 or fewer	13,841	104	0.8%
10,000–99,999	123,336	1,220	1.0
100,000–199,999	72,190	921	1.3
200,000 or more	94,726	1,334	1.4

Note: Detail may not sum to total due to rounding. Counts are from agencies that provided data. For more information on reporting agencies and sample design, see *Methodology*.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.

**TABLE 5**  
Reasons for denial of firearm transfer and permit applications, by checking agencies, 2012

Reason for denial	FBI <sup>a</sup>	State	Local
Total	100%	100%	100%
Felony indictment or charge	5.7%	1.2%	3.7%
Felony conviction	42.5	28.6	14.1
Felony arrest with no disposition	~	6.0	2.4
Fugitive from justice	18.7	11.6	2.6
Domestic violence misdemeanor	6.3	5.9	11.0
Domestic violence restraining order	3.7	7.7	3.5
Drug user/addict	9.9	3.2	5.6
Mental health commitment/adjudication	2.6	3.4	5.4
Illegal or unlawful alien	1.2	0.4	0.4
State law prohibition	9.0	20.8	20.0
Other prohibitions <sup>b</sup>	0.3	11.2	31.2

Note: Applications include transfers and permits. Reasons for denial were based on 18 U.S.C. § 922 and state laws. Totals were based on federal and state agencies that reported counts on reasons for denial. Reasons for denial for local agencies were estimated. For more information on reporting agencies and sample design, see *Methodology*. See appendix table 4 for counts.

~Not applicable. This is a not a federal disqualifier, but a state disqualifier that is used in certain states.

<sup>a</sup>During 2008, the FBI began a new classification system and reclassified all denials from 1999 to 2008. Therefore, 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.

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012; and FBI, NICS Section Federal Denials, 2011–2012.

**TABLE 6**  
**Percent change in the number of applications, denials, and reasons for denial, 1999–2012**

	1999	2012	Percent change 1999–2012
<b>Applications</b>	8,621,000	15,718,000	82.3%
<b>Denials<sup>a</sup></b>	204,000	192,000	-5.9%
Felony denials	148,000	82,000	-44.6
All other reasons	56,000	110,000	96.4
<b>Percent felony<sup>b</sup></b>	72.5%	42.8%	-41.0%
<b>Felony denials per 1,000 applications</b>	17.2	5.2	-69.6%

Note: Applications include transfers and permits. Counts are rounded to the nearest 1,000. Annual numbers may not sum to totals in other tables. Estimates were based on data reported by the FBI and state agencies that reported reasons for denial via the FIST program. Included in the calculation for the distribution of felony denials are counts of some local agency felony denials. For more information on reporting agencies and sample design, see *Methodology*.

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

<sup>b</sup>The felony percentage is calculated from reported reasons for denial and is multiplied by the total number of denials to estimate the total number of felony denials.

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012; and FBI, NICS Background Checks—FBI Denials, 2012.

**TABLE 7**  
**Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) investigation of National Instant Criminal Background Check System (NICS) denials by the FBI, 2012**

	Total	Percent
FBI denials referred to ATF Denial Enforcement and NICS Intelligence (DENI) Branch	92,482	100%
<b>DENI Branch referrals to ATF field divisions<sup>a</sup></b>		
Total referred to field	5,313	5.7%
Delayed denials <sup>b</sup>	2,986	3.2
Standard referrals <sup>c</sup>	2,327	2.5
Not referred to field	82,584	89.3%
Not referred and overturned	4,535	4.9%
Canceled <sup>d</sup>	50	0.1%
Reasons for referrals to ATF field divisions		
Convicted felon	1,568	29.5%
Subject to protective order	1,354	25.5
Domestic violence misdemeanor	983	18.5
Unlawful user of controlled substance	599	11.3
Under indictment or information <sup>e</sup>	360	6.8
Fugitive from justice	320	6.0
Adjudicated mentally defective	66	1.2
Illegal or unlawful alien	55	1.0
Other reasons <sup>f</sup>	8	0.2

Note: Detail may not sum to total 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>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>Represents NICS checks that should not have been conducted and were canceled by the FBI.

<sup>e</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>f</sup>Compiled from three other prohibiting categories used by the DENI Branch to refer denials for field investigation.

Source: Bureau of Justice Statistics, based on data from Bureau of Alcohol, Tobacco, Firearms, and Explosives, Denial Enforcement and NICS Intelligence (DENI) Branch, Firearm Denial Statistics, 2012.

# Methodology

Data used for this report are prepared by the Regional Justice Information Service (REJIS) through a cooperative agreement with the Bureau of Justice Statistics (BJS) under the Firearm Inquiry Statistics (FIST) program. The FIST program collects information on background checks for firearm transfers or permits from federal, state, and local agencies.

## FIST frame generation

State statutes determine which agencies conduct background checks for a firearm permit or transfer. To generate the FIST sampling frame for the 2012 collection, REJIS, under the direction of BJS, used multiple data sources combined with a large known pool of past FIST responders. First, REJIS included over a third of local agencies from the 2010 FIST frame that were known to have responded to the FIST survey at least once in the previous 3 years and had a verified status of conducting background checks for firearm transfers. REJIS used other data sources and resources to verify the frame, including the 2008 Census of State and Local Law Enforcement and a 2011 Originating Agency Identifier file of law enforcement agencies obtained from the FBI.

The 2012 FIST universe was composed of the following:

- 29 states and the District of Columbia rely on the FBI's NICS to conduct firearm background check activities for handguns and long guns. In eight states, the FBI NICS conducts checks for long guns only.
- 31 state agencies and the District of Columbia provide complete statewide counts of applications for firearm transfers or permits, denials of applications, and (when reported) reasons for denial, appeals, and arrests for at least one type of check.
- 1,247 local checking agencies in 11 states issue permits, track applications and denials, or conduct background checks for various types of firearm permit or transfer systems.<sup>2</sup>

<sup>2</sup>The FIST program obtains data from local law enforcement agencies that conduct background checks and issue permits, as well as other types of local agencies that conduct these activities, such as probate courts (in Georgia) and county clerks or other types of administrative offices (in New York). In such cases, the agency surveyed may not actually conduct a background check but rather issue a permit or track a permit that was issued or a transfer check. For the FIST program, collecting application and denial data from agencies that conduct background checks and from agencies that issue permits is considered to be most accurate and sometimes the only means available to assess background check activity. Additionally, populations covered by local agencies (for basic NICS checks and permits, not including other types of checks and permits, such as separate state-level checks and ATF-exempt carry permits) account for only 7% of the total U.S. population.

<sup>3</sup>The FBI reports on NICS transaction data in its annual NICS Operations Report. The FBI tracks the number of applications and denials processed by the NICS system. However, the FBI only reports reasons for denials made by the NICS section and does not include reasons for denials issued at the state

and local levels (information that FIST collects). In 2012, the FBI reported over 10.8 million state point of contact (POC) transactions in 2012 compared to the approximately 7 million that FIST reported. This variation can be attributed to several factors, notably within the category of state firearm permits. The FIST counts include applications for two types of state firearm permits: (1) permits required for a transfer (purchase permits) and (2) concealed carry permits that may be used to exempt the holder from a background check at the time of transfer (exempt carry permits). At yearend 2012, 19 states had an exempt carry permit (Delaware had an exempt carry permit for only the first half of 2012). Thirty other states had concealed carry permits in 2012 that were not exempt and were not included in FIST. At least some of those 30 states used NICS for checks on applicants, and those checks have been included in the FBI statistics. The largest difference within the state firearm permit category was caused by periodic rechecks that at least two state agencies ran on all current carry permit holders. The rechecks were included in FBI transaction counts but not in FIST counts because they were not connected to a firearm transfer, and the state POC was able to separately report rechecks.

For the FIST program, it is important to distinguish between local agencies that are authorized by statute to conduct background checks and those that actually conduct the checks. Although in certain states local agencies are legally authorized to conduct background checks for firearm transfers or permits, these agencies are not required to do so. When developing the 2012 FIST frame, REJIS identified a few instances where a local agency (usually a municipal police department) that was legally authorized by state statute to conduct a background check had never actually conducted background check activities and was unlikely to ever do so. Instead, transfer and permit applicants who might use such a local agency are directed to another local authority (usually the county sheriff) with jurisdiction to conduct a transfer check or issue a permit. Agencies that did not conduct background check activities were considered to be out of scope for the 2012 data collection.

## FIST sample

For the FIST data collection, BJS determined that eligible agencies in the frame should be those that are authorized to conduct and are known to conduct or maintain information on background checks. Such agencies collect or maintain data on the critical FIST data elements: applications, denials, and (when reported) the reasons for denial, appeals, and arrests. Agencies that only have delegated background check functions are considered out of scope because they do not actually conduct firearm background check activities nor track information on such activities, which are the critical data collection items on the survey. Smaller law enforcement agencies that had closed since the construction of the FIST frame were determined to be out of scope for the 2012 data collection.

The 2012 FIST survey was designed to provide state-level estimates of background check activity. BJS produced a national estimate of the number of applications for firearms received and denied pursuant to the Brady Act by combining data obtained from state agencies and local checking agencies with FBI NICS transaction data obtained from the FBI's NICS section.<sup>3</sup>



REJIS collected state-level data from the state reporting agencies via survey or extracted publically available online reports from the state website. Except for one state (Pennsylvania) in which denials were estimated, all data collected by state agencies are considered to be complete counts. To obtain FIST data in 2012, REJIS surveyed local checking agencies in 11 states that operated local checking agencies to conduct background check information. Totals were estimated for states where the reporters were local agencies.

Local agencies in 7 (Delaware, Idaho, Iowa, Montana, North Carolina, Nevada, and New York) of the 11 states were enumerated, and local agencies in 4 (Georgia, Minnesota, Nebraska, and Washington) of the states were sampled in 2 of the 4 sample strata due to the large number of potential reporters. REJIS created a stratified random sample proportionate to state and stratum size in each of the 4 states sampled based on population size that roughly equates to—

- Stratum 1: rural—places of less than 10,000 population
- Stratum 2: small cities—places of between 10,000 and 99,999 population
- Stratum 3: small metropolitan areas—places of between 100,000 and 199,999 population
- Stratum 4: large metropolitan areas—places of 200,000 or more population.

BJS created a reserve sample to account for potential low response rates for the 2012 collection. In total, a 30% reserve sample was drawn for each of the four sampled states; it was split into two reserve samples yielding a 15% sample per reserve sample. Because all agencies in strata 3 and 4 were surveyed, the reserve sample only impacted strata 1 and 2 of the sampled agencies. The first reserve sample was to be used if one of the sampled states had a response rate of less than 80% for the initial data collection period. The second reserve sample was to be used if one of the sampled states had a response rate of less than 75% after the first reserve sample was collected. Both reserve samples were deployed for the 2012 FIST data collection.

The final designated sample included 405 enumerated (self-representing or SR) local agencies and 489 sampled (non-self-representing or NSR) local agencies. After adjusting for agencies that were ineligible to participate in the survey, the final sample consisted of 868 state and local agencies. The overall response rate was 74%. All (100%) state agencies and 73% of local agencies responded to the survey (table 8).

BJS redesigned the FIST survey form and data collection methodology for the 2012 collection. The survey form was designed with input from survey methodologists, subject-matter experts, and stakeholders in the law enforcement community. To minimize respondent burden, the form

**TABLE 8**  
**Number of checking agencies in the 2012 FIST survey**

Checking agencies	Total	Sample	Responses	Response rate
<b>Total</b>	1,279	868	643	74%
<b>Statewide</b>	32	32	32	100%
<b>Local</b>	1,247	836	611	73%
Population served				
9,999 or fewer	581	324	228	70%
10,000–99,999	553	399	306	77
100,000–199,999	64	64	40	63
200,000 or more	49	49	37	76

Note: Agencies that were ineligible to participate in the FIST survey were deemed out of scope and removed from all counts of checking agencies.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.

was changed to provide clearer instructions and to include screener questions that help respondents determine which questions pertain to their agency based on their background check responsibilities. To increase survey response, REJIS employed multiple survey modes (e.g., online form, paper survey, and fax) and a rigorous nonresponse follow-up contact strategy.

Because the FIST study was redesigned for the 2012 collection, comparisons with FIST data from previous years should be made with caution.

### Estimation

Data obtained from state and local agencies were combined with the FBI's NICS transaction data to create an estimate of the total number of firearm transfer and permit applications received and denied nationally. REJIS applied design weights and nonresponse adjustment factors for enumerated and sampled local agencies to generate estimates of the number of applications and denials at the state level.

The 2012 FIST data collection provides for two basic weighting structures for local respondent agencies: a weight applied to SR agencies and a weight applied to NSR agencies.

### SR agencies (enumerated)

Each local checking agency within the seven states in which all known eligible agencies were contacted received a design weight of 1 ( $w_1 = 1$ ). In addition to the design weight, a nonresponse adjustment ( $w_2$ ) was applied to responding agencies to compensate for the agencies that did not respond.

### NSR agencies (sampled)

The process for calculating weights for NSR agencies was similar to that for SR agencies, except these agencies (the small agencies in strata 1 and 2 of the sampled states) received a design weight of greater than 1 ( $w_1 > 1$ ) according to the population-based stratum and the state in which they

reside. This weight reflects the inverse of the probability of selection for the state and stratum size (cell) in which the agency resides. Agencies in strata 3 and 4 (large agencies) were selected with certainty and were therefore given a weight of 1. Weights were adjusted for any agencies that were out of scope in the sampled states.

### ***Nonresponse adjustment***

The nonresponse adjustment accounts for agencies that were ineligible (out of scope) and for nonrespondents. It consists of a ratio adjustment of the sum of the weighted eligible agencies (per state and population size stratum) to the sum of weighted respondent agencies (also, per state and population size stratum). A nonresponse adjustment was applied to each cell (stratum within state) if there was any nonresponse. This created a specific adjustment for each cell that applies to all states, whether enumerated or sampled.

### ***Partial-year reporting adjustment***

A weight ( $w_3$ ), consisting of a small ratio adjustment to account for missing months of data, was applied to adjust for any agency that reported only partial-year data. This adjustment to account missing months was necessary for three local agencies.

### ***Final weights***

The final weights ( $F_w$ ) applied to each FIST case are the product of a design weight applied to each agency, a nonresponse adjustment weight, and the partial-year reporting weight ( $F_w = w_1 \times w_2 \times w_3$ ).

### ***Item nonresponse imputation for local agencies***

For the 2012 FIST collection, REJIS determined that there were very few cases in which information on applications for firearm transfers or permits was missing. There were more cases of missing data for denials, but this was a small number compared to other missing data (e.g., reasons for denial). To count partial responses, agencies were required to report either the number of applications received or the number of denials issued. If neither was present, the agency was considered a nonrespondent. Ten agencies provided denials but not applications. Thirty-two agencies provided the number of applications but not denials. In the instances of missing data on applications or denials, REJIS used a conditional mean imputation to estimate the number of applications and denials.

To yield the most reliable estimates, REJIS replaced missing values with the mean number of applications of other agencies in the same state that were in the same population category. In population stratum 1, this approach was deemed sufficient because all agencies served a population

of less than 10,000. In population stratum 2, the population size covered a broad range (10,000 to 99,999). As such, a traditional group-mean replacement would have produced unacceptably imprecise approximations. To address this, for agencies with complete data REJIS employed a basic multiple imputation strategy that took into account the number of denials, the actual population size served, and the number of applications to calculate the estimated number of applications in instances of missing data. The result was a within-state and stratum group-based sum of imputed values, but it was proportionate to the population allocation of imputed applications or denials per agency.

### ***Estimates for 2011 data***

BJS did not collect 2011 FIST data, primarily because of the amount of time BJS and REJIS spent revising the FIST methodology and the decision to prioritize the collection of 2012 data to obtain more recent data on firearm background check activities. To account for the missing 2011 data in the national estimate, REJIS calculated an estimate for the total number of applications and denials at the state and local levels by using the number of applications and denials collected through FIST from 2000 through 2012 to create a linear trend from which an estimate for the missing 2011 data was generated. The available observations were fit to a least squares regression line to replace the missing values for 2011. This was done for both state and local agencies. When the estimates of applications and denials were completed, distributions of permit and check types from 2010 were applied to the 2011 estimates to estimate the number of applications and denials by permit and check type.<sup>4</sup>

### ***Adjustments to data***

REJIS obtained concealed carry permit data from Michigan by fiscal year, which were used to provide estimates for the calendar year. Although 27 local agencies in Michigan were sampled and surveyed to collect data on purchase permit applications, Michigan was also able to report on the number of purchase permit applications and was therefore counted as a state agency reporter. In future data collection years, Michigan will be considered a state agency reporter.

Pennsylvania reported 703,722 instant checks, which are included in the FIST national estimate, and 269,696 applications for nonexempt licenses to carry. Pennsylvania also provided the combined number of denials of all applications, which was prorated to obtain the number of denials of instant checks.

<sup>4</sup>From year to year, the distribution of check and permit types for state and local agencies' applications and denials remained stable. In the instances where there was a difference of more than 3 percentage points in the distribution of permits and checks, the average of the 2010 and 2012 distributions of the relevant permit type was used to calculate a percentage of the total for that permit. In 2012, this applied to purchase permit applications and exempt carry applications for local agencies.

At the beginning of the 2012 FIST collection, local agencies from Washington were expected to respond to survey questions about point-of-transfer checks and exempt concealed carry permits. During the data collection period, REJIS discovered that even though ATF allows Washington's concealed carry permit—known within the state as a concealed pistol license (CPL)—to exempt a purchaser from a dealer NICS check, Washington state law still requires a dealer to request a NICS check on a handgun applicant. Consequently, Washington's carry permit does not meet the FIST survey's criteria for being exempt, and some data that were collected on concealed carry permits for Washington could not be included in the FIST totals.

BJS added 1,546,512 applications for exempt carry permits to the total number of FIST applications received from 2000 to 2010 after REJIS learned from the FBI that these applications were not counted in the FBI federal NICS totals for 9 states (Arizona, Arkansas, Kansas, Kentucky, Mississippi, North Dakota, South Carolina, Texas, and Wyoming) as had been the assumption. The addition of these applications had a negligible impact on the denial rates.

### Standard errors

Standard error calculations were computed for the estimates of total applications, total denials and the ratio of denials to total applications for three types: purchase, transfer and concealed carry permits across states, and size of region for local agencies. The standard error computations take into account several aspects of the FIST design, including stratification of data collection by a combination of state and population served categories and finite population sampling (without replacement) across the states and population categories of interest. REJIS approximated the FIST design by generating 68 final strata defined as combinations of state and population categories. Data from SR agencies were treated as certainty samples with an initial selection probability of one. For these states and population category combinations, complete responses would have a negligible contribution to the overall standard errors for a given estimate. To account for this and the fact that finite population correction (FPC) factors for the samples generated by the FIST design were very small, FPCs were directly incorporated into the standard error computations. Finally, estimates for local agencies included one additional subdomain of agency type: local or state (centralized reporting). All computations were generated using the FIST final sampling weight which incorporated adjustments for missing values, nonresponse, and an overall population eligibility or coverage adjustment. In some cases, standard error computations were not possible as only one agency reported information from a given type of application in areas where more than one agency was queried (via sample or census). In these cases, no standard error computations were provided.

### Reasons for denial

BJS has collected information about reasons for denial since the FIST program's inception in 1996. The FIST survey includes 12 categories that reflect the most common reasons for denial and closely match the categories of federal prohibitors. When an agency provided reasons for denial that did not match with an existing FIST denial category, REJIS determined which denial category best matched the reported reason and verified the classification with the responding agency.

In 2012, the FBI, 20 state agencies, and approximately 300 local agencies reported reasons for denials. There are two major difficulties in reporting reasons for denial.

First, among reporting agencies there was a high degree of nonresponse on items that asked about reasons for denial. Among local agencies, nonresponse was high in most states and population strata. Local agencies in two states (Delaware and New York) did not report any reasons for denial. In 2012, the FBI and some state agencies provided a reason for each denial. Other state agencies provided reasons only for some denials, and some state agencies did not provide any reasons for denials.

Second, the method by which agencies record or track reasons for a denial varies among state and local agencies. Approximately two-thirds of local agencies report all of the reasons found on a background check that disqualify a permit or transfer seeker from obtaining a firearm, while a third of agencies report only one reason for a denial. Among state agencies, this proportion is reversed with a third reporting all reasons a permit or transfer was denied, while two-thirds report only one reason. Finally, among some state and local agencies that report one reason for a denial, some report only the most serious charge listed on a background check, others list the first reason found, and others do not indicate the reason.

Due to the high nonresponse and variation in the way reasons for denial are reported, a simple estimation for the number of reasons for denial by local agencies was calculated. Estimates used only the agency base weight, rather than the final weight that was applied to all other local agency estimates. (See *Final weights* section.) This was done to bring the representation of responses from sampled agencies in line with those from states in which a census of agencies was conducted. The FBI and state agency reasons for denial counts are reported, and no estimation on these counts was conducted.

### Appeals and arrests

BJS has collected information on appeals and arrests since 2000. The FBI provided data on appeals for 2012, and some state and local agencies provided data on appeals and arrests for 2012. All information on appeals and arrests is reported

as actual totals and not estimates. Twelve state agencies provided appeal counts and three state agencies provided arrest counts. Fifty-two local agencies provided appeal counts and 33 provided arrest counts. Because only a small number of agencies have historically provided information

## Definitions

**National Instant Criminal Background Check (NICS)** is a national system that checks available records in the following files to determine if prospective transferees are disqualified from receiving firearms: the Interstate Identification Index (III), a file that contains criminal history records on persons arrested for fingerprintable felonies and misdemeanors; the National Crime Information Center (NCIC), a database of 7 property files and 14 persons files that contain records on persons who are the subjects of protection orders, active criminal warrants, immigration violators, and other records; and the NICS Index, a database created solely for use by NICS that contains information on records that may not be included in III or NCIC, such as mental health records, fugitive from justice records, and drug-related records that are provided by federal, state, and local agencies about persons prohibited under federal law from receiving or possessing a firearm. Additionally, a fourth search of the applicable databases via the Immigration and Customs Enforcement (ICE) 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 using a single hand, such as a pistol or revolver.

**Long gun** is a firearm with a barrel extended to about 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 the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to be classified as an FFL and enrolled with the FBI's NICS to request a NICS check.

## State notes

The following notes provide additional information about changes in state laws that occurred and about the types of firearms included in a state's instant checks, purchase permits, or other approval checks in 2012. State statutes should be consulted for complete details on a state's firearms laws.

**California**—A state agency conducted other approval checks on applicants for handgun and long gun transfers.

on appeals and arrests, BJS has decided to no longer collect these data as no reliable conclusions can be drawn and there is very limited utility in reporting the low number of responses received.

**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 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.

**Colorado**—A state agency conducted instant checks on applicants for handgun and long gun transfers.

**Connecticut**—The state authorized two types of purchase permits, and every handgun transferee was required to obtain one of the permits during 2012. In addition, a state agency conducted instant checks at the point of transfer on applicants for handgun and long gun transfers.

**Delaware**—A state agency conducted instant checks on applicants for handgun and long gun transfers until June 30, 2012. The checks were discontinued after that date because of a change in state law. While the instant check law was in force, the state's carry permit gave the holder an exemption from the instant check.

**District of Columbia**—The chief of police conducted checks on applicants for a registration certificate (categorized as a purchase permit), which was required to obtain a handgun or a long gun.

**Florida**—A state agency conducted instant checks on applicants for handgun and long gun transfers.

**Hawaii**—A purchase permit was required to obtain a handgun or a long gun. Checks on purchase permit applicants were conducted by local agencies.

**Illinois**—A purchase permit was required to obtain a handgun or a long gun. In addition, a state agency conducted instant checks at the point of transfer on applicants for handgun and long gun transfers.

**Iowa**—A purchase permit was required to obtain a handgun. An exempt carry permit may have been substituted for the purchase permit. Local agencies conducted checks on applicants for purchase and exempt carry permits.

**Maryland**—A state agency conducted other approval checks on applicants for transfers of handguns and assault weapons, which were designated by state law as regulated firearms.

**Massachusetts**—A purchase permit was required to obtain a handgun or a long gun. Three types of purchase permits were included in the FIST survey data. Checks on permit applicants were conducted by local agencies.

**Michigan**—The state's purchase permit was required for all handgun transfers until December 18, 2012. On or after that date, the purchase permit was required for a transfer between two individuals who were not licensed dealers. Checks on purchase permit applicants were conducted by local agencies.

**Minnesota**—A purchase permit was required to obtain a handgun or an assault weapon. An exempt carry permit may have been substituted for the purchase permit. Checks on purchase and exempt carry permit applicants were conducted by local agencies.

**Nebraska**—Local agencies conducted checks on applicants for a purchase permit, which was required to obtain a handgun.

**Nevada**—A state agency conducted instant checks on applicants for handgun and long gun transfers.

**New Hampshire**—A state agency conducted instant checks on applicants for handgun transfers.

**New Jersey**—A purchase permit was required to obtain a handgun or a long gun. Checks on purchase permit applicants were conducted by local agencies. In addition, a state agency conducted instant checks at the point of transfer on applicants for handgun and long gun transfers.

**New York**—The state's purchase permit was required to obtain a handgun and certain types of long guns. Checks on purchase permit applicants were conducted by local agencies.

**North Carolina**—A purchase permit was required to obtain a handgun. An exempt carry permit may have been substituted for the purchase permit. Local agencies conducted checks on applicants for purchase and exempt carry permits.

**Oregon**—A state agency conducted instant checks on applicants for handgun and long gun transfers.

**Pennsylvania**—A state agency conducted instant checks on applicants for handgun and long gun transfers.

**Rhode Island**—Local agencies conducted other approval checks on applicants for handgun and long gun transfers.

**Tennessee**—A state agency conducted instant checks on applicants for handgun and long gun transfers.

**Utah**—A state agency conducted instant checks on applicants for handgun and long gun transfers.

**Virginia**—A state agency conducted instant checks on applicants for handgun and long gun transfers.

**Washington**—Local agencies conducted other approval checks on applicants for handgun transfers.

**Wisconsin**—A state agency conducted instant checks on applicants for handgun transfers.

## Related Publications

*Background Checks for Firearm Transfers - Statistical Tables, 2010*, NCJ 238226, February 2013

*Background Checks for Firearm Transfers - Statistical Tables, 2009*, NCJ 231679, October 2010

*Background Checks for Firearm Transfers - Statistical Tables, 2008*, NCJ 227471, August 2009

*Background Checks for Firearm Transfers - Statistical Tables, 2007*, NCJ 223197, July 2008

*Background Checks for Firearm Transfers - Statistical Tables, 2006*, NCJ 221786, March 2008

*Background Checks for Firearm Transfers, 2005*, NCJ 214256, November 2006

*Background Checks for Firearm Transfers, 2004*, NCJ 210117, October 2005

*Background Checks for Firearm Transfers, 2003: Trends for the Permanent Brady Period, 1999–2003*, NCJ 204428, September 2004

*Background Checks for Firearm Transfers, 2002*, NCJ 200116, September 2003

*Background Checks for Firearm Transfers, 2001*, NCJ 195235, September 2002

*Background Checks for Firearm Transfers, 2000*, NCJ 187985, July 2001

*Background Checks for Firearm Transfers, 1999*, NCJ 180882, June 2000

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*, NCJ 175034, BJS web, June 1999.

*Enforcement of the Brady Act, 2010: Federal and State Investigations and Prosecutions of Firearm Applicants Denied by a NICS Check in 2011*  
<https://www.ncjrs.gov/pdffiles1/bjs/grants/239272.pdf>

*Enforcement of the Brady Act, 2009: Federal and State Investigations and Prosecutions of Firearm Applicants Denied by a NICS Check in 2009*  
<https://www.ncjrs.gov/pdffiles1/bjs/grants/234173.pdf>

*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>

The following BJS surveys provide an overview of the firearm check procedures in each of the states and the states' interaction with NICS:

*Survey of State Procedures Related to Firearm Sales, 2005*, NCJ 214645, November 2006

*Survey of State Procedures Related to Firearm Sales, Midyear 2004*, NCJ 209288, August 2005

*Survey of State Procedures Related to Firearm Sales, Midyear 2003*, NCJ 203701, August 2004

*Survey of State Procedures Related to Firearm Sales, Midyear 2002*, NCJ 198830, April 2003

*Survey of State Procedures Related to Firearm Sales, Midyear 2001*, NCJ 192065, April 2002

*Survey of State Procedures Related to Firearm Sales, Midyear 2000*, NCJ 186766, April 2001

*Survey of State Procedures Related to Firearm Sales, Midyear 1999*, NCJ 179022, March 2000

*Survey of State Procedures Related to Firearm Sales, 1997*, NCJ 173942, December 1998

*Survey of State Procedures Related to Firearm Sales, 1996*, NCJ 160705, September 1997

*Survey of State Procedures Related to Firearm Sales*, NCJ 160763, May 1996

The following BJS survey examines the quality and accessibility of certain criminal and noncriminal records when states conduct a firearm presale background check:

*Survey of State Records Included in Presale Background Checks: Mental Health Records, Domestic Violence Misdemeanor Records, and Restraining Orders, 2003*, NCJ 206042, August 2004

*Trends for Background Checks for Firearm Transfers, 1999–2008*  
<http://www.ncjrs.gov/pdffiles1/bjs/grants/231187.pdf>

**APPENDIX TABLE 1****Estimated standard errors for firearm applications received and denied by local agencies, 2012**

	Applications	Denials	Percent denied
Total	19,484	610	0.07%
Purchase permits	15,056	570	0.17
Exempt carry permits	5,983	148	0.04
Other approvals	8,147	114	0.05

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.

**APPENDIX TABLE 2****Estimated standard errors for firearm applications received and denied by local agencies, by community size and type of permit, 2012**

	Applications	Denials	Percent denied
<b>Purchase permits</b>	14,852	561	0.17%
Population served			
9,999 or fewer	1,964	46	0.13%
10,000–99,999	5,929	353	0.24
100,000–199,999	4,775	174	0.26
200,000 or more	12,840	409	0.38
<b>Exempt carry permits</b>	9,026	152	0.05%
Population served			
9,999 or fewer	606	10	0.06%
10,000–99,999	4,067	67	0.05
100,000–199,999	2,778	74	0.11
200,000 or more	3,342	109	0.09

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.

**APPENDIX TABLE 3****Firearm applications received and denied by jurisdiction, 2012**

Jurisdiction	Applications	Standard error	Denials	Standard error	Percent denied	Standard error
<b>Arizona</b>						
Exempt carry	56,496	~	227	~	0.4	~
<b>Arkansas</b>						
Exempt carry	30,462	~	474	~	1.6	~
<b>California</b>						
Other approval	817,738	~	7,633	~	0.9	~
<b>Colorado</b>						
Instant check	343,302	~	7,362	~	2.1	~
<b>Connecticut</b>	168,223	~	1,373	~	0.8	~
Instant check	127,199	~	213	~	0.2	~
Purchase permit	41,024	~	1,160	~	2.8	~
<b>Delaware<sup>a</sup></b>	11,584	~	358	~	3.1	~
Instant check <sup>b</sup>	9,489	~	336	~	3.5	~
Exempt carry <sup>b,c,d</sup>	2,095	900	22	10	1.1	0.0%
<b>Dist. of Columbia</b>						
Purchase permit	552	~	1	~	0.2	~
<b>Florida</b>						
Instant check	797,610	~	11,186	~	1.4	~
<b>Georgia</b>						
Exempt carry <sup>c</sup>	119,249	4,872	1,971	138	1.7	0.1%
<b>Hawaii</b>						
Purchase permit	21,864	~	227	~	1.0	~
<b>Idaho</b>						
Exempt carry <sup>c</sup>	19,054	1,074	125	13	0.7	0.1%
<b>Illinois</b>	697,405	~	7,850	~	1.1	~
Instant check	358,791	~	1,398	~	0.4	~
Purchase permit	338,614	~	6,452	~	1.9	~
<b>Iowa<sup>c</sup></b>	68,036	957	709	26	1.0	0.0%
Purchase permit <sup>c</sup>	23,212	379	407	13	1.8	0.0%
Exempt carry <sup>c</sup>	44,824	630	302	17	0.7	0.0%
<b>Kansas</b>						
Exempt carry	15,707	~	53	~	0.3	~
<b>Kentucky</b>						
Exempt carry	29,788	~	577	~	1.9	~
<b>Maryland</b>						
Other approval	69,893	~	1,055	~	1.5	~
<b>Massachusetts</b>						
Purchase permit	34,501	~	2,178	~	6.3	~
<b>Michigan</b>	214,867	~	4,138	~	1.9	~
Purchase permit	132,520	~	2,837	~	2.1	~
Exempt carry	82,347	~	1,301	~	1.6	~
<b>Minnesota<sup>a</sup></b>	93,507	~	1,588	~	1.7	~
Purchase permit <sup>c</sup>	59,691	4,480	1,303	151	2.2	0.2%
Exempt carry <sup>d</sup>	33,816	~	285	~	0.8	~
<b>Mississippi</b>						
Exempt carry	14,404	~	2	~	0.0	~
<b>Montana</b>						
Exempt carry <sup>c</sup>	10,986	563	128	6	1.2	0.1%
<b>Nebraska<sup>a</sup></b>	48,349	~	1,079	~	2.2	~
Purchase permit <sup>c</sup>	39,895	3,200	1,040	123	2.6	0.1%
Exempt carry	8,454	~	39	~	0.5	~
<b>Nevada<sup>a</sup></b>	149,232	~	2,015	~	1.4	~
Instant check	126,274	~	1,913	~	1.5	~
Exempt carry <sup>c</sup>	22,958	455	102	4	0.4	0.0%
<b>New Hampshire</b>						
Instant check	44,683	~	435	~	1.0	~

*Continued on next page.*



**APPENDIX TABLE 3 (continued)****Firearm applications received and denied by jurisdiction, 2012**

Jurisdiction	Applications	Standard error	Denials	Standard error	Percent denied	Standard error
<b>New Jersey</b>	155,216	~	1,963	~	1.3	~
Instant check	88,575	~	355	~	0.4	~
Purchase permit	66,641	~	1,608	~	2.4	~
<b>New York</b>						
Purchase permit <sup>c</sup>	77,572	10,119	463	104	0.6	0.2%
<b>North Carolina<sup>c</sup></b>	262,597	12,386	9,452	539	3.6	0.2%
Purchase permit <sup>c</sup>	177,671	9,686	8,523	525	4.8	0.3%
Exempt carry <sup>c</sup>	84,926	3,030	929	48	1.1	0.0%
<b>North Dakota</b>						
Exempt carry	12,436	~	191	~	1.5	~
<b>Oregon</b>						
Instant check	259,513	~	2,525	~	1.0	~
<b>Pennsylvania</b>						
Instant check <sup>b</sup>	703,722	~	7,853	~	1.1	~
<b>Rhode Island</b>						
Other approval	17,525	~	137	~	0.8	~
<b>South Carolina</b>						
Exempt carry	64,437	~	1,105	~	1.7	~
<b>Tennessee</b>						
Instant check	462,146	~	18,023	~	3.9	~
<b>Texas</b>						
Exempt carry	159,931	~	481	~	0.3	~
<b>Utah</b>	188,100	~	2,709	~	1.4	~
Instant check	106,978	~	2,081	~	1.9	~
Exempt carry	81,122	~	628	~	0.8	~
<b>Virginia</b>						
Instant check	432,387	~	3,444	~	0.8	~
<b>Washington</b>						
Other approval <sup>c</sup>	177,756	8,147	1,319	114	0.7	0.1%
<b>Wisconsin</b>						
Instant check	138,164	~	1,120	~	0.8	~
<b>Wyoming</b>						
Exempt carry	3,878	~	36	~	0.9	~

Note: For more information on reporting agencies and sample design, see *Methodology*. Types of firearms included in a state's checks or permits are described in *State notes*.

~ Standard errors not applicable because complete counts were obtained and no sampling error is present.

<sup>a</sup>Standard errors not applicable to total since a portion of the estimate came from a state reporter.

<sup>b</sup>Counts for denials are from January to June 2012.

<sup>c</sup>Totals were estimated.

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

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.

**APPENDIX TABLE 4**  
**Reasons for denial of firearm transfer applications, by checking agencies, 2012**

Reason for denial	FBI <sup>a</sup>	State	Local
Total	88,479	45,682	7,194
Felony indictment or charge	5,056	537	267
Felony conviction	37,604	13,068	1,016
Felony arrest with no disposition	~	2,727	171
Fugitive from justice	16,562	5,289	189
Domestic violence misdemeanor	5,573	2,713	795
Domestic violence restraining order	3,273	3,519	250
Drug user/addict	8,798	1,478	404
Mental health commitment/adjudication	2,301	1,532	386
Illegal or unlawful alien	1,024	193	27
State law prohibition	8,007	9,494	1,442
Other prohibitions <sup>b</sup>	281	5,132	2,248

Note: Reasons for denial were based on 18 U.S.C. § 922 and state laws. Totals were based on agencies that reported counts on reasons for denial. For more information on reporting agencies and sample design, see *Methodology*.

~ Not applicable. This is a not a federal disqualifier, but a state disqualifier that is used in certain states.

<sup>a</sup>During 2008, the FBI began a new classification system and reclassified all denials from 1999 to 2008. Therefore, 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.

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012; and FBI, NICS Section Federal Denials, 2011–2012.

**APPENDIX TABLE 6**  
**Reported arrests of persons denied a firearm permit or purchase, 2012**

Type of checking agency	Number of arrests
Total	1,062
State	1,028
Colorado	236
Pennsylvania	261
Virginia	531
Local	34

Note: Counts are from agencies that provided data. Arrests were made by state police units or local agencies and may not always be reported to the state. For more information on reporting agencies and sample design, see *Methodology*. Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.

**APPENDIX TABLE 5**  
**Appeals, by type of checking agency, 2012**

Type of checking agency	Appeals		Reversed	
	Number	Percent of denials <sup>a</sup>	Number	Percent of appeals
Total	48,155	25.1%	14,974	31.1%
FBI	26,357	29.8%	4,020	15.3%
State	21,326	24.5%	10,829	50.8%
Colorado	3,814	51.8	2,183	57.2
Florida	3,577	32.0	1,840	51.4
Pennsylvania <sup>b</sup>	3,326	42.4	1,216	36.6
Tennessee	9,937	55.1	5,356	53.9
Other states <sup>c</sup>	672	4.0	234	60.6
Local <sup>d,e</sup>	472	12.8%	125	26.5%

Note: Totals were based on agencies that reported data on appeals and reversals. For more information on reporting agencies and sample design, see *Methodology*.

<sup>a</sup>See tables 2, 3, and 4 for the number of denials.

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

<sup>c</sup>Includes Connecticut, Kansas, Maryland, Nebraska, North Dakota, Utah, Virginia, and Wisconsin.

<sup>d</sup>Includes Georgia, Idaho, Iowa, Minnesota, Montana, Nebraska, Nevada, North Carolina, and Washington.

<sup>e</sup>Percent of denials appealed reflects all local agencies that received at least one appeal.

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012; and FBI, Section and Voluntary Appeal File, 2012.

**APPENDIX TABLE 7****Number of National Instant Criminal Background Check System (NICS) Index prohibited person records, 2012**

Type of record	January 1, 2012			December 31, 2012			Index percent change
	Index totals	Submissions		Index totals	Submissions		
		State*	Federal		State*	Federal	
Total	7,310,638	2,289,386	5,021,252	8,323,931	2,797,448	5,526,483	13.9%
Felony	612,936	603,888	9,048	727,255	647,315	79,940	18.7
Under indictment/information	721	111	610	865	360	505	20.0
Fugitive from justice	368,567	362,860	5,707	378,463	374,629	3,834	2.7
Controlled substance	14,930	2,440	12,490	18,174	6,988	11,186	21.7
Mental committed/adjudicated	1,364,613	1,218,156	146,457	1,821,217	1,659,404	161,813	33.5
Illegal or unlawful alien	4,802,154	54	4,802,100	5,216,732	57	5,216,675	8.6
Dishonorable discharge	10,010	22	9,988	10,163	28	10,135	1.5
Renounced U.S. citizenship	16,004	3	16,001	20,654	5	20,649	29.1
Protection/restraining order	2,267	2,145	122	4,101	3,903	198	80.9
Misdemeanor domestic violence	83,340	64,612	18,728	90,199	69,893	20,306	8.2
Denied persons	35,096	35,095	1	34,746	34,745	1	-1.0
State prohibitor	0	0	0	1,362	121	1,241	

Note: The NICS Index is used exclusively for NICS checks and contains records of persons who are prohibited by federal or state law from receiving or possessing a firearm. The state prohibitor file is new for 2012. For more information on reporting agencies and sample design, see *Methodology*.

\*Totals include U.S. territories.

Source: Bureau of Justice Statistics, based on data from FBI, National Instant Criminal Background Check System (NICS) Index, 2012.

**APPENDIX TABLE 8****Agencies conducting firearm background checks, December 31, 2012**

Jurisdiction	Names or description of checking agencies	
	Purchase check or permit	Exempt carry permit <sup>a</sup>
United States	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 <sup>b</sup>	---	---
District of Columbia	Metropolitan Police Department	---
Florida	Department of Law Enforcement	---
Georgia	---	County probate courts
Hawaii	Police departments	---
Idaho	---	County sheriffs
Illinois	State Police FOID and FTIP units	---
Indiana	---	---
Iowa	Dept. of Public Safety/County sheriffs	Dept. of Public Safety/County sheriffs
Kansas	---	Attorney General
Kentucky	---	State Police
Louisiana	---	---
Maine	---	---
Maryland	State Police Firearms Enforcement Division	---
Massachusetts	Police departments	---
Michigan	Sheriffs and police departments	County licensing boards
Minnesota	Sheriffs and police departments	County sheriffs
Mississippi	---	Department of Public Safety
Missouri	---	---
Montana	---	County sheriffs
Nebraska	Sheriffs and police departments	State Patrol
Nevada	Department of Public Safety	County sheriffs
New Hampshire	Department of Safety	---
New Jersey	State Police/Local police departments	---
New Mexico	---	---
New York <sup>c</sup>	Sheriffs and police departments	---
North Carolina	County sheriffs	County sheriffs
North Dakota	---	Bureau of Criminal Investigation
Ohio	---	---
Oklahoma	---	---
Oregon	State Police Firearms Unit	---
Pennsylvania	State Police Firearms Division	---
Rhode Island	Police departments	---
South Carolina	---	Law Enforcement Division
South Dakota	---	---
Tennessee	Bureau of Investigation TICS Unit	---
Texas	---	Department of Public Safety
Utah	Bureau of Criminal Identification	Bureau of Criminal Identification
Vermont	---	---
Virginia	State Police Firearms Transaction Program	---
Washington	Sheriffs and police departments	---
West Virginia	---	---
Wisconsin	Department of Justice Handgun Hotline	---
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>A state agency conducted purchase checks until July 1, 2012. A carry permit issued by a superior court exempted the permit holder from the state check until that date.

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

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.

**APPENDIX TABLE 9****National Instant Criminal Background Check System (NICS) checking agencies, FBI, or state point of contact (POC) for firearm transfers, 2012**

State	FBI conducts checks for all firearms <sup>a</sup>	POC conducts checks for all firearms	POC checks handguns FBI checks long guns <sup>a</sup>
Total	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>c</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: X - Indicates agency conducting background checks. Includes POC checks on purchases or on permits required for purchase.

~Not applicable.

<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>State had multiple points of contact.

<sup>c</sup>Partial POC until December 18, 2012, when FBI began conducting all NICS checks.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.

**APPENDIX TABLE 10****Forums for appeals of firearm transfer and permit denials, 2012**

Jurisdiction	Denying agency	Other agency	Court system	Jurisdiction	Denying agency	Other agency	Court system
<b>Federal</b>				<b>Mississippi</b>			
Instant check	X	~	X	Exempt carry	X	~	X
<b>Arizona</b>				<b>Montana</b>			
Exempt carry	X	~	X	Exempt carry	~	~	X
<b>California</b>				<b>Nebraska</b>			
Other approval	X	~	~	Purchase permit	~	~	X
<b>Colorado</b>				Exempt carry	X	~	X
Instant check	X	~	~	<b>Nevada</b>			
<b>Connecticut</b>				Instant check	X	~	~
Instant check	X	~	~	Exempt carry	~	~	X
Purchase permit	~	X	~	<b>New Hampshire</b>			
<b>Delaware</b>				Instant check	X	~	X
Instant check	X	~	X	<b>New Jersey</b>			
Exempt carry	~	~	X	Instant check	X	~	~
<b>District of Columbia</b>				Purchase permit	~	~	X
Purchase permit	X	~	X	<b>North Carolina</b>			
<b>Florida</b>				Purchase permit	~	~	X
Instant check	X	~	~	Exempt carry	~	~	X
<b>Georgia</b>				<b>North Dakota</b>			
Exempt carry	~	~	X	Exempt carry	X	~	X
<b>Idaho</b>				<b>Oregon</b>			
Exempt carry	~	~	X	Instant check	X	~	~
<b>Illinois</b>				<b>Pennsylvania</b>			
Instant check	X	~	X	Instant check	X	X	X
Purchase permit	X	~	X	<b>South Carolina</b>			
<b>Iowa</b>				Exempt carry	X	~	~
Purchase permit	~	~	X	<b>Tennessee</b>			
Exempt carry	~	~	X	Instant check	X	~	~
<b>Kansas</b>				<b>Texas</b>			
Exempt carry	X	X	X	Exempt carry	~	~	X
<b>Kentucky</b>				<b>Utah</b>			
Exempt carry	X	~	X	Instant check	X	~	~
<b>Maryland</b>				Exempt carry	~	X	~
Other approval	X	~	X	<b>Virginia</b>			
<b>Massachusetts</b>				Instant check	X	~	X
Purchase permit	~	~	X	<b>Washington</b>			
<b>Michigan</b>				Other approval	~	~	X
Purchase permit	~	~	X	<b>Wisconsin</b>			
Exempt carry	~	~	X	Instant check	X	~	X
<b>Minnesota</b>				<b>Wyoming</b>			
Purchase permit	~	~	X	Exempt carry	X	~	X
Exempt carry	X	~	X				

Note: X - 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.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2012.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable and valid statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. William J. Sabol is acting director.

The Regional Justice Information Service (REJIS) prepared these tables under the supervision of Allina D. Lee, of the Bureau of Justice Statistics (BJS). Allen Beck, Ph.D., of the Bureau of Justice Statistics provided statistical consultation. Michael Planty provided verification. Terry J. Tomazic, Ph.D., Professor of Sociology at Saint Louis University, and Trent D. Buskirk, Ph.D., Marketing Systems Group, provided statistical and sample design consultation. The tables were prepared under BJS cooperative agreement #2011-BJ-CX-K017. 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 to create a national estimate of the number of applications received and denied annually pursuant to the Brady Handgun Violence Prevention Act of 1993 and similar state laws.

Lynne McConnell of Lockheed Martin and Jill Thomas edited the report. Tina Dorsey and Barbara Quinn produced the report.

December 2014, NCJ 247815



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