



Bureau of Justice Statistics Bulletin

A National Estimate

September 1997, NCJ 165704

Presale Handgun Checks, 1996

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During 1996, about 2,593,000 background checks of potential handgun buyers prevented an estimated 70,000 purchases. The inquiries revealed purchasers' ineligibility to buy a handgun under State or Federal laws, particularly the Brady Handgun Violence Prevention Act (Pub. L. No. 103-159, 107 Stat. 1536 (1993)) that became effective on February 28, 1994. Nearly 68% of those rejected had been convicted of a felony or were under felony indictment.

From March 1, 1994, through 1996, handgun sellers submitted an estimated 7.8 million inquiries about potential handgun buyers and received about 173,000 rejections. These estimates, drawn from published estimates of inquiries about potential purchasers of firearms, include about 62,000 rejections of handgun purchase applications in the 9 months of 1994 and about 41,000 rejections for all of 1995.

The Firearm Inquiries Statistics (FIST) program administered by the Bureau of Justice Statistics (BJS) collected the 1996 data. FIST was initiated in 1994 to describe presale background checks of applicants to buy a handgun from a Federal firearm licensee. Chief law enforcement officers made the checks in accordance with the Brady Act or comparable State legislation.

Highlights

Presale handgun checks: Estimates of inquiries and rejections, 1996

	Presale checks for handguns, 1/1/96-12/31/96		
	All States	Original Brady States*	Brady States during 1996
Inquiries and rejections			
Inquiries/applications	2,593,000	1,213,000	816,000
Rejected	70,000	44,000	25,000
Rejection rate	2.7%	3.6%	3.1%
Reasons for rejection			
Felony indictment/conviction	47,000	35,000	15,000
Other	23,000	9,000	10,000

Note: All estimated counts are rounded. Percentages were calculated from unrounded data. Detail may not add to total because of rounding.

*Original Brady States are the 32 States required to follow presale review procedures set out in the Brady Act when it became effective on February 28, 1994. At the end of 1996, 23 of the 32 were still Brady States. (See table 2.)

- During 1996 about 70,000 out of an estimated 2,593,000 applications for the purchase of a handgun were rejected due to presale background checks of the potential purchasers.
- From the inception of the Brady Handgun Violence Prevention Act until the end of 1996, an estimated 7,782,000 applications for handgun purchases resulted in 173,000 rejections through background checks.
- The estimates of applications and rejections for handgun purchases include States operating under the Brady Act (Brady States) and States with comparable statutes preventing handgun sales to prohibited persons (Brady-alternative States).
- Overall, 2.7% of all handgun purchasers had their application for purchase rejected during 1996. About 68% of the rejections were for a prior felony conviction or a current felony indictment.
- This Bulletin reports only estimates of attempted handgun purchases, and does not include rifles or other long guns.
- A previous BJS Bulletin, *Presale Firearms Checks* (NCJ-162787, February 1997), included all attempted firearm purchases from March 1, 1994, to December 31, 1995, and potential handgun purchases during the first 6 months of 1996. It estimated that over the period, on average 6,600 firearm applications were rejected each month.

Table 1. Reasons for rejection of handgun purchase applications, national estimates, 1996

Reasons for rejection	All States	Original Brady States	Brady States during 1996
Total	100.0%	100.0%	100.0%
Felony (indictment/conviction/no disposition)	67.8	78.9	61.0
Fugitive	6.0	7.5	13.0
State law prohibition	5.5	.9	--
Restraining order	3.9	2.8	3.5
Mental illness or disability	1.5	.4	.8
Drug addiction	1.2	1.8	4.4
Local law prohibition	.7	.3	.7
Other*	13.4	7.4	16.6

--Less than .05%.

*Includes illegal aliens, juveniles, persons discharged from the armed services dishonorably, persons who have renounced their U.S. citizenship, domestic violence, and other unspecified persons. At the end of 1996, 23 of the 32 original Brady States were still Brady States.

The estimates of applications and rejections for handgun purchases include States operating under the Brady Act (Brady States) and States with comparable statutes preventing handgun sales to prohibited persons (Brady-alternative States). The original 32 Brady States started following the Brady Act review procedures on February 28, 1994. There were 18 original Brady-alternative States. At the end of 1996, because of changed statutes, there were fewer Brady States (23) and more Brady-alternative States (27) than originally.

Rates of rejection of potential handgun purchases in 1996 can be compared for these sets of States — the original or current grouping of Brady and Brady-alternative States.

In 1996 the original Brady States processed 1,213,000 applications and rejected about 44,000, a rejection rate of 3.6%. The original Brady-alternative States processed 1,380,000 applications and rejected 26,000 — 1.9%, which differed significantly from the rate for the original Brady States.

The current Brady States in 1996 processed 816,000 applications, of which they rejected 25,000, a rejection rate of 3.1%. The current Brady-alternative States processed 1,778,000 and rejected 45,000 — 2.5%, a rate that was not significantly different from the rejection rate of current Brady States.

For all States, the most prevalent reason for rejection was that the applicant either was under felony indictment or had a felony conviction (67.8%) (table 1). Being a fugitive from justice (6.0%) or a violator of a State law prohibition (5.5%) were the next most prevalent reasons for rejection of a handgun purchase, followed by being under a restraining order (3.9%).

Almost all States are able to check computer databases to determine past criminal convictions. Some States are able to refer to other databases to check additional characteristics that may make a person ineligible to purchase a handgun — fugitive status, court restraining orders, and mental illness.

In the 45 States that reported checking a database for fugitive status, 6% of handgun application rejections were for such a status. In the 32 States checking for restraining orders, potential purchasers under court order accounted for 6% of application rejections. Sixteen States reported searching databases for applicants with mental illness; in these States mental illness accounted for 3% of the handgun application rejections.

Nonfelony reason	Percent of rejections in States which search records for specific nonfelony reasons
Fugitive	6%
Court restraining orders	6
Mental illness	3

These categories are defined in the Federal Gun Control Act of 1968, as amended, or related State legislation. During 1996 background checks were made on almost 2.6 million applicants for handgun purchases. Since the inception of the Brady Act, nearly 7.8 million background checks have been made. Through the end of 1996 about 173,000 of these applicants were prevented from legally purchasing a handgun.

Statewide reporting of handgun applications and rejections

State governments, the Federal Bureau of Investigation (FBI), and the Bureau of Alcohol, Tobacco and Firearms (ATF) have cooperated to identify about 5,400 law enforcement agencies and their heads as chief law enforcement officers (CLEOs) nationwide. Data for 1996 were collected from 311 CLEOs out of a sample of 600.

Among the responding CLEOs, 21 served as the only CLEO for the State and provided statewide totals (table 3). These States, which represented 50% of U.S. resident population and over half of the total applications for handgun purchases during 1996, processed 1,513,129 applications and rejected 36,030 — a rejection rate of 2.4%. Seventy-three percent of rejections were for a past felony conviction or felony indictment.

Reason for rejection by 21 Statewide CLEOs

Felony (indictment/conviction/no disposition)	73%
Fugitive	6
State law prohibition	4
Restraining order	4
Mental illness or disability	1
Drug addiction	1
Other*	11

*Includes illegal aliens, juveniles, persons discharged from the armed services dishonorably, persons who have renounced their U.S. citizenship, domestic violence, and other unspecified persons.

Background

Thirty-two States and Puerto Rico were required to follow the review procedures set forth in the Brady Act when it became effective (identified in this Bulletin as *original Brady States*).

By the end of 1996, the number of States following the Brady Act review procedures rather than alternative State statutes had dropped to 23 (identified as *current Brady States*; see table 2 for each State's Brady status.)

Pursuant to the Federal Gun Control Act of 1968, as codified at 18 U.S.C. § 922, the sale of firearms is prohibited if the prospective purchaser —

- is a juvenile;
- is a fugitive from justice;
- is under indictment for, or has been convicted of, a crime punishable by imprisonment for more than 1 year;
- is an unlawful user of a controlled substance;
- has been adjudicated as a mental defective or committed to a mental institution;
- is an alien unlawfully in the United States;
- was discharged from the armed forces under dishonorable conditions;
- 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; or
- is a person convicted of domestic violence.

Table 2. Gun purchaser background checks for handgun purchases, by State, 1996^a

State	Brady Status		Number of law enforcement agencies responsible for record checks	State databases being accessed			
	Original 3/1/94	Current 12/31/96		Criminal histories	Wanted fugitives	Re-straining orders	Mental health
Alabama	■	■	67	■	■		
Alaska	■	■	35	■	■	■	
Arizona	■	■	1	■	■		
Arkansas	■	■	1	■	■	■	
California ^b			1	■	■	■	■
Colorado	■		1	■	■	■	
Connecticut			1	■	■	■	
Delaware ^b			1	■	■		■
Florida ^b			1	■	■	■	
Georgia	■		1	■	■		■
Hawaii ^b			4	■	■		■
Idaho	■		1	■	■	■	
Illinois ^b			1	■	■	■	■
Indiana			1	■	■		
Iowa			99	■	■	■	■
Kansas	■	■	123	■	■		
Kentucky	■	■	5	■	■	■	
Louisiana	■	■	64	■	■		
Maine	■	■	128	■	■	■	
Maryland			1	■	■	■	
Massachusetts			270	■	■	■	■
Michigan			595	■	■	■	■
Minnesota	■		568	■	■		■
Mississippi	■	■	263	■	■		
Missouri			115	■	■	■	
Montana	■	■	56	■	■		
Nebraska			95	■	■		
Nevada	■	■	1	■	■		
New Hampshire	■		1	■	■	■	
New Jersey			483	■	■	■	■
New Mexico	■	■	113	■	■		
New York			58	■	■	■	■
North Carolina	■		100	■	■	■	
North Dakota	■	■	53	■	■		
Ohio	■	■	1	■	■	■	
Oklahoma	■	■	440	■	■		
Oregon			1	■	■	■	■
Pennsylvania	■	■	67	■	■		
Rhode Island ^b	■	■	39	■	■	■	■
South Carolina	■	■	1	■	■		
South Dakota	■	■	66	■	■	■	
Tennessee	■		96	■	■	■	
Texas	■	■	991	■	■	■	
Utah	■		1	■	■	■	
Vermont	■	■	22	■	■	■	
Virginia ^b			1	■	■	■	■
Washington	■		291	■	■	■	■
West Virginia	■	■	1	■	■	■	
Wisconsin			1	■	■	■	■
Wyoming	■	■	40	■	■		
Total	32	23	5,367	49	45	32	16

^aIn the Brady States contacts are the chief law enforcement officers (CLEOs); in Brady-alternative States these contacts are identified according to criteria of each State.

^bBackground checks are required for handguns and long guns.

Table 3. Number of applications to buy handguns received or rejected in 21 States reporting complete data, 1996

State	Number of applications		Rejection rate
	Received	Rejected	
Total	1,513,129	36,030	2.4%
Arizona	72,715	2,203	3.0%
Arkansas	25,742	506	2.0
California	215,804	2,111	1.0
Colorado	51,450	3,518	6.8
Delaware	11,826	639	5.4
Florida	213,133	6,236	2.9
Georgia	89,786	8,463	9.4
Idaho	24,604	791	3.2%
Illinois	178,168	1,997	1.1
Indiana	81,974	907	1.1
Kentucky	67,830	1,600	2.4
Maryland	31,362	344	1.1
Nevada	28,253	574	2.0
New Hampshire	12,997	161	1.2
New Jersey	24,672	280	1.1%
Ohio	60,037	330	.5
South Carolina	53,153	2,467	4.6
Utah	34,073	595	1.7
Virginia	182,384	1,896	1.0
West Virginia	20,538	224	1.1
Wisconsin	32,628	188	.6

Note: Each State had 1 CLEO that reported complete State-wide data for applications and rejections for 1996.

Bureau of Alcohol, Tobacco and Firearms estimates of inquiries and rejections, March 1, 1994, to December 31, 1995

Bureau of Alcohol, Tobacco, and Firearms estimates — may include handguns, long guns, and carry permits^a

	3/1/94 to 12/31/94		1/1/95 to 12/31/95	
	All States	Original Brady States ^b	All States	Original Brady States ^b
Inquiries and rejections				
Inquiries/applications	3,679,000	1,696,000	4,009,000	1,884,000
Rejected	92,000	42,000	60,000	28,000
Rejection rate	2.5%	2.5%	1.5%	1.5%
Reasons for rejection				
Felony indictment/conviction	65,000	30,000	43,000	20,000
Other	26,000	12,000	17,000	8,000

Note: All estimated counts are rounded. Percentages were calculated from unrounded data. Detail may not add to total because of rounding.
^aData for 1994 and 1995 from the Bureau of Alcohol, Tobacco and Firearms are based on inquiries to the FBI's National Crime Information Center.
^bOriginal Brady States are the 32 States required to follow presale review procedures set out in the Brady Act when it became effective on February 28, 1994.

The Bureau of Alcohol, Tobacco and Firearms has calculated the number of applications for firearm purchases from March of 1994 to the end of 1995. (See *Presale Firearm Checks*, BJS Bulletin, NCJ-162787, February 1997.) In the first 9 months of 1994 there were an estimated 3,679,000 inquiries to the FBI's National Crime Information Center (NCIC); in 1995, an estimated 4,009,000.

The ATF estimates were calculated using the number of firearm-coded inquiries to the NCIC. The percentage of denials used for these estimates was based on the experiences of jurisdictions that had implemented presale firearms check procedures prior to the Brady Act.

The Firearm Inquiries Statistics (FIST) program administered by BJS receives data from a sample of chief law

enforcement officers responsible for background checks of firearm purchasers. The FIST data describe only applications for handgun purchases, a fraction of the larger number of potential firearm purchases. (The Brady Act as well covers only applications for a handgun purchase.)

FIST began in January 1996. The estimated number of inquiries for handgun purchases during the year was 67% of the total number of firearm inquiries to the NCIC (3,842,000). To estimate the number of inquiries for handgun purchase applications before 1996, the ATF estimates were multiplied by 67%.

In the last 9 months of 1994 there were an estimated 2,483,000 inquiries for handgun purchases and an estimated 62,000 rejections. In 1995 the estimated number of inquiries was 2,706,000, with an estimated 41,000 rejections.

Estimated number of handgun inquiries (applications to purchase) and rejections, March 1, 1994, to December 31, 1996

	3/1/94 - 12/31/94	1/1/95 - 12/31/95	1/1/96 - 12/31/96
Estimated number of handgun inquiries	2,483,000	2,706,000	2,593,000
Estimated number of rejections	62,000	41,000	70,000
Rejection rate	2.5%	1.5%	2.7%

Brady Act

The Brady Act was enacted in November 1993 and became effective in February 1994. The interim provisions of the Act require that Federally licensed firearm dealers request a presale check on all potential handgun purchasers. The requests are made to CLEOs in the jurisdictions where the prospective purchasers reside. The Federal firearms licensee must wait 5 business days before transferring the handgun to the buyer, unless earlier approval is received from the CLEO. These interim procedures will terminate no later than November 30, 1998.

The "interim provision" also permits States to follow a variety of alternative State procedures. (See *Survey of State Procedures Related to Firearm Sales, 1996*, BJS report, NCJ-163918, September 1997.) To qualify under these alternatives, State law must require that before any licensee completes the transfer of a handgun to a nonlicensee, a government official must verify that possession of a handgun by the transferee would not be a violation of law. Examples of Brady-alternative States include California ("point-of-sale check"), Virginia ("instant check"), and Missouri (permit).

After November 1998 a Federal firearms licensee will be required to perform background checks on potential purchasers of all firearms. These inquiries will be made through the National Instant Criminal Background Check System (NICS) which the FBI will operate and maintain.

Under the provisions of the Brady Act, the NICS must be established no later than November 1998, at which time the procedures related to the 5-day waiting period of the interim system will be eliminated. These "instant" background checks will determine, based on available records, if an individual is prohibited under the Federal Gun Control Act or State law from receiving or possessing firearms.

Under the FBI's proposed NICS configuration, State criminal history records will be provided in the majority of cases through each State's central repository and the Interstate Identification Index (III). The index, maintained by the FBI, points instantly to criminal records that States hold. In addition, the FBI will provide records of Federal offenses, Federally maintained State data, and Federal data on nonfelony disqualifications. States responding to NICS inquiries for nonfelony prohibitions will provide their records directly. Federal firearms licensees in States that do not serve as a point of contact to the system will make inquiries directly to NICS.

The National Criminal History Improvement Program (NCHIP)

To ensure immediate availability of complete and accurate State records, the Brady Act established a grant program authorized at \$200 million. An additional authorization of \$20 million was made available through the National Child Protection Act of 1993 (Pub. L. No. 103-209, 107 Stat. 2490 (1993)). Both authorizations were designed to assist States to develop or improve existing criminal history records systems and to establish an interface with the NICS.

Over \$112 million was given in direct awards to the States during fiscal years 1995 and 1996. The appropriation for 1997 is \$50 million. NCHIP funds have supported direct technical assistance to States, evaluation, and research related to improving criminal and other nonfelony records within the States.

The FIST program was established under NCHIP. Information requested for the initial survey does not include data traceable to an applicant, and the computer program that was subsequently developed and used by some agencies for both operational purchases and to collect FIST data transmits only the appropriately aggregated or categorized responses. None of the FIST information provided from agencies to BJS

contains or reveals the identity of individual applicants. Moreover, the computer program also assists agencies to purge records after the delay times specified by law.

Methodology

The following presents the approach used to derive the 1996 estimates from a sample of chief law enforcement officers charged with determining eligibility to purchase a handgun. The data were stratified by size of the population served. Information collected included:

- handgun applications made to the CLEO;
- handgun applications rejected by the CLEO; and
- the reasons for rejection.

Sample Design

The sample for the survey was selected from a population of 5,400 CLEOs. These CLEOs ranged from State agencies which served an entire State population (category X); local CLEOs which served a population greater than 100,000 (category C); local CLEOs which served a population between 10,000 and 100,000 (category B); and local CLEOs which served a population of less than 10,000 (category A). Population size was based on 1990 Census information. The population categories were chosen to be consistent with those commonly used by the FBI when conducting similar studies. A total of 600 CLEOs were randomly selected for inclusion in the study.

Since the start of this study two States have implemented operation of statewide CLEOs, and one State has begun reporting data for local jurisdictions. These changes have reduced the total number of CLEOs selected to 579.

The sample universe includes all 25 statewide CLEOs (category X), all 118 CLEOs who service populations in excess of 100,000 persons (category C), 189 CLEOs from category B, and 247 from category A. For each State 4%

or a minimum of five CLEOs were selected in their respective A and B categories.

Overall, 311 CLEOs provided data for a response rate of 54%. Respondents included 21 statewide CLEOs, 2 agencies providing statewide totals (see below), 49 local CLEOs in category C, 95 local CLEOs in category B, and 144 local CLEOs in category A. The 311 agencies that submitted data serviced 160,198,309 people or 65% of the 248,102,973 people who were identified in the 1990 Census.

Based on data provided by these CLEOs, national estimates were developed using weighting factors derived from the original stratification. When a CLEO did not provide data for all months, a simple linear extrapolation was used to generate a 12-month total.

Information for two States required further analysis. Oregon switched from local CLEOs to a statewide CLEO during 1996. Estimates for the year for number of applications and number of rejections were based on the data from the newly established statewide CLEO. New Jersey provided data on the number of applications and the number of rejections for the whole State, but did not provide reasons for rejections. Local CLEOs that had been sampled in Oregon and New Jersey provided data on the reasons for rejection.

For purposes of applications, rejections and rejection rates, information from the statewide CLEOs was used. The descriptive information about reasons for rejections used the data from both the local and State CLEOs.

Maine is one of several States that use both local CLEOs and the State police in areas not serviced by a local CLEO. In the other States' data from the State police were classified as category A data because of the rural area that is normally being served. However, Maine, because of the large portion of the State that the State police service (40%) and the wide range of population classifications they serve, State police

data were classified as category X data.

Definition of outliers

Five agencies with a rejection rate over four standard deviations above the total standard rejection rate were classified as outliers and their data were not used for projection of estimates. In addition, one agency was classified as an outlier because it had changed its record keeping procedures during the year and its final rejection rate could not be determined with sufficient accuracy. The data provided by the outliers were added to the total estimated counts to get the final national totals.

Accuracy of the estimates

The accuracy of the estimates presented in this report depends on two types of errors: non-sampling and sampling. In this study, nonsampling error may occur from the following: non-response; differences in the ways CLEOs process, code, store and retrieve their information; differences in interpretation of the survey questions; and even activities which delay personnel from doing paperwork.

Also, the process of a researcher receiving data and storing it in the computer for analysis can introduce non-sampling error. In any sample survey, the full extent of non-sampling error is never fully known. However, steps were taken to minimize the potential for error. Extensive telephone follow-ups were made to encourage responses, answer questions about misunderstood requests, and generally help CLEOs in assembling the information in a form useable by FIST. Extensive verification of the data ensured the accuracy of the numbers.

All confidence intervals discussed in this report were set at a 95-percent confidence level. Because of the sampling design, State comparisons cannot be made. The estimates are only for the 50 States and do not include U.S. territories or the District of Columbia. Sales of all firearms are prohibited in the District of Columbia except to law enforcement officers.

Data collection procedures

The Regional Justice Information Service (REJIS), through a cooperative agreement with BJS under the Firearms Inquiries Statistics program (FIST), collected the data.

The CLEOs supplied data on either paper or diskette. Several different forms were provided to meet the varying office procedures of the CLEOs. In addition REJIS wrote and provided special software that was distributed free of charge to requesting CLEOs. This software was designed to simplify the record tabulating functions of the CLEO. It also helped to reduce the burden of keeping the statistical data since one of the capabilities of the software was to automatically collect the data needed for the study. In all cases the data that the CLEO sent to REJIS contained only statistical information and would not allow the identification of an individual.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is Director.

BJS Bulletins present the first release of findings from permanent data collection programs such as the Firearm Inquiry Statistics (FIST) program. State and local officials have cooperated in reporting the data presented.

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Further information on the FIST program may be obtained from:

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September 1997, NCJ-165704

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