



DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
WASHINGTON, DC 20226

NOV 13 1998

**OPEN LETTER TO ALL PENNSYLVANIA FEDERAL FIREARMS LICENSEES**

**Permanent Provisions of the Brady Law.** The purpose of this letter is to advise you of your responsibilities under the permanent provisions of the Brady law, 18 U.S.C. § 922(t). On November 30, 1998, the interim provisions of the Brady law will cease to apply, and the permanent provisions of the Brady law will take effect.

The permanent provisions of the Brady law provide for the establishment of a National Instant Criminal Background Check System (NICS) that licensees must contact before transferring any firearm to unlicensed individuals. While the interim provisions apply only to handguns, the permanent provisions of Brady will apply to all firearms. In addition, under permanent Brady there will no longer be an exemption for the redemption of a firearm from pawn.

**Notification from the Attorney General.** On October 30, 1998, the Department of Justice published a final rule in the Federal Register, announcing the establishment of the NICS as of October 31, 1998. Accordingly, licensees will be required to comply with permanent Brady as of November 30, 1998. Copies of the Justice Department's final rule are available on DOJ's Home Page on the Internet at <http://www.fbi.gov/programs/nics/index.htm>, and DOJ is mailing copies of the final rule to licensees.

**Initiation of NICS Checks.** The State of Pennsylvania will act as the point of contact for NICS checks for all firearms transactions. To request a NICS check for any firearm transaction you must contact the Pennsylvania State Police by dialing 1-888-684-7427.

**Transfers Subject to NICS Check Requirement.** As of November 30, 1998, you will be required to initiate a NICS check through the Pennsylvania State Police prior to transferring a firearm to anyone who is not a licensee. The following steps must be followed prior to transferring a firearm:

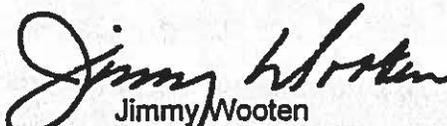
1. Have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. Contact NICS through the Pennsylvania State Police. You will get either a "proceed," "denied" or "delayed" response from the system. If you get a "delayed" response and there is no additional response from the system, the Brady law provides you may transfer the firearm after three business days have elapsed. However, under Pennsylvania law you must wait until you hear from the Pennsylvania State Police prior to transferring the firearm.
4. If you have initiated a NICS check for a proposed firearms transaction, but the transfer of the firearm is not completed, you must retain the Form 4473 in your records for a period of not less than 5 years. If the transfer is completed, the Form 4473 must be retained for at least 20 years.

**Alternatives to a NICS Check.** The Brady law provides that certain permits may qualify as alternatives to a NICS check. Although the license to carry issued in your State qualified as an alternative to a background check under the interim provisions of Brady, the license will not qualify as an alternative to the NICS check required by permanent Brady. However, licenses to carry issued prior to November 30, 1998, will be "grandfathered" as Brady alternatives for the duration of the license, not to exceed 5 years from the date of issuance. Licenses to carry issued on or after November 30, 1998, will not qualify as alternatives to the NICS check under Federal law.

**Notwithstanding the above, please note that all transactions must comply with State law. Pennsylvania law does not recognize the license to carry as an alternative to the background check required under State law. Under Pennsylvania law, a State background check (which will include a NICS check) must be conducted for all firearms transactions, even if the purchaser has a valid license to carry.**

**Final Regulations and Forms 4473.** On October 29, 1998, ATF published final regulations implementing the permanent provisions of the Brady law. The ATF final regulations are available on ATF's home page on the Internet at [http://www.atf.treas.gov/core/regulations/brady\\_regs.htm](http://www.atf.treas.gov/core/regulations/brady_regs.htm). ATF has also modified ATF Form 4473, Firearms Transaction Record, to reflect the changes in the background check system. A copy of the final regulations and a small supply of Forms 4473 will be mailed to each licensee under separate cover before November 30, 1998.

**Questions.** If you have any questions, please contact your local ATF office or the Pennsylvania State Police.

  
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(Firearms, Explosives and Arson)