



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

August 15, 2019

TO: ALL CJIS SYSTEMS OFFICERS (CSO) AND FEDERAL, STATE, AND TERRITORIAL POINTS OF CONTACT (POC)

Re: Guidelines for accessing the National Instant Criminal Background Check System (NICS)

Recently, several states have introduced legislation requiring NICS background checks prior to the receipt or transfer of ammunition. This correspondence is to restate the allowable uses of the NICS Indices for purposes unrelated to NICS background checks required by the Brady Handgun Violence Prevention Act of 1993 (Brady Act). Pursuant to Title 28, Code of Federal Regulations, Section 25.6 (j)(1), access to the NICS is authorized "in connection with the issuance of a firearm-related or explosives-related permit or license." Neither the U.S. Department of Justice nor the FBI have ever interpreted either the Brady Act or this section of the NICS regulation to authorize a search prior to the transfer of ammunition in relation to the issuance of a permit to purchase ammunition. Allowable uses of the NICS are limited to the following circumstances:

Federal law provides that the NICS Indices is available for:

1. Providing information to federal, state, local, or tribal criminal justice agencies in connection with the issuance of a firearm-related or explosives-related permit or license, including permits or licenses to possess, acquire, or transfer a firearm, or to carry a concealed firearm, or to import, manufacture, deal in, or purchase explosives.
2. Disposing of a firearm in the possession of a federal, state, local, or tribal criminal justice agency.

Access to the NICS for the issuance of a permit to purchase ammunition or prior to the transfer of ammunition is not an authorized use of the NICS Indices. A query of the NICS for a firearm-related background check searches three national databases simultaneously: the Interstate Identification Index, the National Crime Information Center, and the NICS Indices. For this reason, a query of the NICS cannot be conducted for purposes relating to a permit to purchase ammunition or prior to the transfer of ammunition since a search of the NICS Indices is included within a query of the NICS.

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The FBI Criminal Justice Information Services (CJIS) Division's NICS Section
will continue to provide information relating to the access of the NICS as information evolves.
Please direct questions you may have to the NICS Business Relations Team at
<nicsliaison@fbi.gov> or call 844-265-6716.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robin A. Stark-Nutter". The signature is fluid and cursive, with the first name "Robin" and last name "Nutter" being more prominent than the middle initial "A".

Robin A. Stark-Nutter
Section Chief
NICS Section
CJIS Division