



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

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18 USC 922(t)  
5300

Frank Adams, Executive Director  
Nevada Sheriff's & Chiefs' Association  
P.O. Box 3247  
Mesquite, Nevada 89024

Dear Director Adams:

This is in response to your letter dated October 27, 2011, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Your letter requested that ATF consider extending the recognition of the Nevada Carry Concealed Weapons (CCW) permit to when the Memorandum of Understanding (MOU) was signed between the Nevada Sheriffs and the Nevada Department of Public Safety in 2005.

By way of background, the Brady Law, 18 United States Code (U.S.C.) 922(t), contains exceptions to the National Instant Criminal Background Check System (NICS) requirement, including an exception for holders of certain State permits to possess, carry, or acquire firearms. The law and implementing regulations provide that permits issued within the past 5 years may qualify as alternatives to the NICS check if certain requirements are satisfied. Most importantly, the authority issuing the permit must conduct a NICS check and must deny a permit to anyone prohibited from possessing firearms under Federal, State, or local law.

In May 2005, ATF informed Nevada State officials that the Nevada CCW permit no longer met the qualifications to be exempt from a NICS check. Nevada was not able to adequately address the deficiencies of the Nevada CCW permit in meeting the statutory and regulatory requirements for qualifying as a NICS alternative.

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Accordingly, on October 17, 2005, ATF issued an Open Letter to all Nevada Federal firearms licensees (FFLs) stating that effective October 19, 2005, the CCW permit no longer qualified as a NICS check alternative. Subsequently, the Nevada Department of Public Safety and the Nevada Sheriffs entered into an MOU addressing the Nevada CCW shortcomings in qualifying as a NICS alternative. This MOU was accepted by ATF as an interim measure until the shortcomings in qualifying as a NICS alternative could be remedied by the Nevada State Legislature in its 2007 session. On January 5, 2006, ATF sent an Open Letter to all Nevada FFLs stating that the Nevada CC3W permit again qualified as a NICS check alternative.

The Nevada State Legislature did not enact laws in the 2007 session necessary to remedy the shortcomings of the Nevada CCW permit in qualifying as a NICS check alternative as agreed to in the MOU. Therefore, at that time the CCW permit no longer qualified as an alternative to the background check required by the Brady Law, 18 U.S.C. 922(t). This was addressed in an Open Letter to all Nevada FFLs on May 30, 2008.

As stated in the 2005 MOU, ATF agreed to the provisions of that document as an interim measure until the Nevada legislature could meet and enact appropriate measures for permit issuance. The MOU specifically notes that the legislature would meet in 2007. ATF cannot recognize permits issued prior to July 2011, as we have no guarantees that all 17 sheriffs were issuing permits in accordance with Federal law prior to that time. We regret the additional workload for State officials.

We trust that the foregoing has been responsive to your request. Please feel free to contact the ATF Firearms Industry Programs Branch at [fipb@atf.gov](mailto:fipb@atf.gov) (or at 202-648-7190) if you have any additional questions.

Sincerely yours,



Chad J. Yoder

Chief, Firearms and Explosives Industry Division

cc: Special Agent in Charge, San Francisco Field Division