



National Instant Criminal  
Background Check System  
(NICS) Section  
2023 Operational Report

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## Executive Summary

On November 30, 2023, the NICS Section celebrated 25 years of processing firearm background checks. As a result of the passage of the Gun Control Act of 1968, certain individuals were prohibited from possessing firearms. To strengthen federal firearms regulations, the Brady Handgun Violence Prevention Act of 1993 (Brady Act) was passed to create an electronic means for information to be supplied immediately as to whether the transfer of a firearm would violate Title 18, United States Code (U.S.C.), section (§) 922, or state law. Highlights of the NICS Section's operations in calendar year 2023 include the following:

- A total of 29,854,176 background checks were conducted through NICS. Of those, 10,182,718 were processed by the NICS Section and 19,671,458 were processed by state users. Of the NICS checks processed by the NICS Section, 9,353,883—over 90 percent—were conducted through the NICS E-Check.
- The NICS Section denied only 116,587 (or just over 1 percent) of the NICS transactions it processed. The leading reason for those NICS Section denials was the subject being prohibited per 18 U.S.C. § 922(g)(1)—being convicted of a crime punishable by imprisonment for a term of more than one year. Monthly reports with denial data including the category of prohibitions are available on the FBI's website at [www.fbi.gov](http://www.fbi.gov).
- NICS attained an average Immediate Determination Rate (IDR) of 91.85 percent.
- On June 25, 2022, President Joseph R. Biden signed the Bipartisan Safer Communities Act (BSCA) of 2022 into law. One of the new requirements of BSCA was an enhanced background check process for persons under the age of 21 (U21). Specifically, BSCA requires inquiries to be made regarding the existence of any potentially disqualifying juvenile criminal records and mental health information maintained by designated agencies where the U21 subject resides. As of December 31, 2023, the NICS Section had completed 205,124 U21 transactions since the additional checks began on October 14, 2022. A total of 189,359 transactions had been proceeded from October 14, 2022, to December 31, 2023, and 13,519 were in a delayed status for that same timeframe. The NICS Section has denied 1,934 U21 transactions between October 14, 2022, and December 31, 2023; 524 of those denials were a direct result of the expanded background checks required under the provisions of BSCA.
- Criminal justice agencies submitted 149,099 NICS background checks conducted for the disposition of firearms (DOF).
- As of December 31, 2023, there were 30,822,507 active entries in the NICS Indices identifying prohibited individuals.
- The FBI received 22,615 firearm-related challenges in 2023, resulting in 12,406 (54.9 percent) being sustained, 6,263 (27.7 percent) being overturned, and 3,946 (17.4 percent) remaining unresolved by December 31, 2023.
- There were 3,126 firearm retrieval referrals forwarded to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), equating to 2.6 percent of the NICS Section's denied transactions.
- In 2023, NICS was available 99.85 percent of the time.

## 25 Years of the Brady Act

The Gun Control Act of 1968 (Public Law 90-618) mandated, among other requirements related to firearms, individual and corporate firearms dealers to become federal firearms licensees (FFLs) and create a system for keeping prohibited persons from receiving firearms at FFLs by requiring a potential firearm transferee to answer questions pertaining to their eligibility. However, until NICS was established, there was no computerized process to check national records to determine if the potential firearm transferee was answering those questions accurately. Coordinated efforts to create a national background check system began after the 1981 attempted assassination of former President Ronald Regan. White House Press Secretary James Brady was seriously wounded in the attack and later led the efforts to create the Brady Act. When signed into law in November of that year, the Brady Act included a Gun Control Act amendment creating NICS. Five years later, through a cooperative effort with ATF, Department of Justice (DOJ) and state and local criminal justice agencies, NICS became operational on November 30, 1998. Based on their state's NICS participation, FFLs will either contact the FBI's NICS Section directly to initiate NICS checks or, alternatively, a designated criminal justice agency acting as the NICS point-of-contact (POC).

On Thursday, October 12, 2023, the NICS Section recognized past accomplishments and looked forward to the future while celebrating the upcoming 25<sup>th</sup> anniversary of the program during a ceremony at the FBI's Criminal Justice Information Services (CJIS) Division. Since 1998, over 473 million checks have been completed, including more than 2.2 million denials. While addressing the audience at the celebration, the NICS Section Chief said, "This is a big day for us. We are very focused on our mission of balancing the Second Amendment and allowing those who can have firearms get those in a quick and timely manner while also looking out for public safety and trying to make sure those who are prohibited do not get access to a firearm."

The section chief served as master of ceremonies for the celebration which was attended by several FBI executives and congressional representatives—both in-person and via video message—as well as honored guests, employees, stakeholders, partners, and media. The executive assistant director of the FBI's Science and Technology Branch stated, "This is a time for celebration. The legacy the CJIS Division and the NICS Section holds is a great one. For 25 years, you've served as our nation's first line of defense. As we reflect on the many successes you all have accomplished, it's important we take time to look toward the horizon to ensure that we are prepared and equipped to stay ahead of the threat."<sup>1</sup>

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<sup>1</sup> Connect Bridgeport article



NICS Section staff outside the CJIS Division

## Welcome to the NICS Section

The NICS Section has processed firearm background checks since November 30, 1998. Over time, the FBI has identified, developed, and implemented improvements supporting the NICS mission statement of, “Seeking to enhance national security and public safety by conducting background checks to determine a person’s eligibility to possess firearms or explosives in accordance with federal and state laws.” The NICS Section continually strives to provide timely and accurate determinations of any firearm and/or explosives eligibility in accordance with applicable laws. Daily decisions made, at all levels of the NICS Section, focus on the mission of making timely firearms eligibility determinations while striving for a culture of good judgment, high energy, demonstrated competence and customer service.

The most common use of NICS is initiated by FFLs for potential firearm transfers. For an FFL to initiate a NICS background check, the prospective firearm transferee must complete and sign an ATF Form 4473<sup>2</sup>, Firearms Transaction Record. The ATF Form 4473, which collects the transferee’s name and descriptive data (e.g., date of birth, sex, race, state of residence, country of citizenship), also elicits information that may immediately identify a transferee as a prohibited person. When NICS receives the information from the FFL, it conducts a NICS background check where a name and descriptor search conducted. An FFL is prohibited from initiating a NICS background check if answers to specific questions on the ATF Form 4473 reveal a firearm prohibition. There are a few exceptions which allow a firearm transaction to occur without a NICS check being initiated.

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<sup>2</sup> Additional information regarding the ATF Form 4473 is available at [www.atf.gov](http://www.atf.gov)



Every NICS check consists of either the FBI or a POC state agency comparing the descriptive information provided by the individual against three national databases: Interstate Identification Index (III), National Crime information Center (NCIC), and NICS Indices. Information contributed to these national databases are modified, cancelled, and added daily. To ensure a timely and accurate eligibility status can be determined and provided to the FFL, it is vitally important for information needed to determine firearm eligibility to be available to NICS in one or more of these three databases. Unless the transaction is first denied, federal law allows an FFL to transfer a firearm without receiving a proceed response from NICS after a certain timeframe<sup>3</sup> (determined by factors such as the age of the potential firearm transferee). Depending on several factors (e.g., the citizenship or age of the potential firearm transferee, whether a potentially prohibitive criminal history exists, etc.), additional research may be required. For example, when the prospective transferee is not a U.S. citizen, the U.S. Immigration and Customs Enforcement is contacted to establish whether the individual is legally in the United States.

The III provides access to criminal history records supported by a fingerprint submission and assigned a unique FBI Universal Control Number. NCIC's person files are also checked for possible descriptive matches to records of wanted persons, subjects of protection orders, subjects of extreme risk protection orders, and other persons who pose a threat to public and officer safety.

The NICS Indices contains information on persons prohibited as defined in 18 U.S.C. § 922(g) or (n) or state law. The NICS Indices was specifically created to identify disqualified individuals when the information cannot be shared with the other two databases. For example, information on an individual who renounced their U.S. citizenship would not be available in III or NCIC, so the U.S. Department of State shares information on citizen renunciants to the NICS Indices. The mental health prohibition is also an excellent example of information that may only be available in the NICS Indices, as a disqualifying mental health adjudication or commitment is not always associated to a criminal event available through III. Although the majority of NICS Indices entries contain information not available in III or NCIC, authorized agencies may enter information into the NICS Indices regardless of whether the information is otherwise available.

The NICS Section encourages and promotes agencies to make federal and state prohibiting records/information available at the national level. Information made available via the NICS Indices provides NICS users with an immediate indication, when matched to a prospective firearm transferee, of a federal and/or state prohibition for possessing or receiving firearm(s). A valid match of a NICS Indices hit allows NICS to render an immediate denial determination. This can provide greater efficiency for NICS users nationwide by eliminating the need to conduct additional research to determine if the information is prohibiting.

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<sup>3</sup> For a potential firearm transferee 21 years of age or older, federal law allows an FFL to transfer a firearm after 3 business days if they have not first received a "Denied" response from NICS. A business day is a 24-hour day (beginning at 12:01 a.m.) on which state offices are open and does not include Saturday, Sunday, or state and federal holidays. When the potential firearm transferee is under 21, the transaction may be delayed up through 10 business days, from when the transaction was initiated, if cause exists to further research a potentially prohibiting juvenile record. If cause is established in such circumstances, federal law would not prohibit the FFL from transferring a firearm after the tenth business day if they have not first received a "Denied" response from NICS.

Contributing agencies are responsible for the accuracy and validity of the NICS Indices information and are obligated to remove invalid or expired entries. Source documentation, containing the descriptive data used in the NICS Indices entry, must be retained and available for validation purposes such as routine audits and NICS appeals. The NICS Section publishes a calendar year report of the submissions into the NICS Indices on the FBI’s website at [www.fbi.gov](http://www.fbi.gov). This report shows data on NICS Indices submissions made by federal, state, local, and tribal agencies.

## NICS Participation

Through 2023, FFLs within 31 states, the District of Columbia, and the U.S. territories, contacted the FBI’s NICS Section to initiate a NICS background check. These states are referred to as “non-POC states,” as there is no state or local agency serving as a contact between the FFL and NICS. In non-POC states, the NICS Section is responsible for making the firearm eligibility determinations for prospective firearm transfers occurring at FFLs.

“Non-POCs states” in 2023 were:

Alabama	Alaska	Arizona	Arkansas
Delaware	Georgia	Idaho	Indiana
Iowa	Kansas	Kentucky	Louisiana
Maine	Massachusetts	Michigan	Minnesota
Mississippi	Missouri	Montana	New Mexico
North Carolina <sup>4</sup>	North Dakota	Ohio	Oklahoma
Rhode Island	South Carolina	South Dakota	Texas
Vermont	West Virginia	Wyoming	District of Columbia
American Samoa	Guam	Puerto Rico	Northern Mariana Islands
Virgin Islands			

States may elect to serve as a NICS POC—meaning they will designate a state or local criminal justice agency(ies) to serve as the contact between the FFL and NICS, or in permit instances, a designated state agency(ies) will serve as the contact between the permit applicant and NICS. NICS full-POC states are responsible for making firearm eligibility determinations for all firearm checks initiated by FFLs within their state.

In 2023, the following 14 states served as full-POC states:

California	Colorado	Connecticut	Florida
Hawaii	Illinois	Nevada	New Jersey
New York <sup>5</sup>	Oregon	Pennsylvania	Tennessee
Utah	Virginia		

States may also elect to serve as a partial POC—where the NICS Section and a state-designated agency share the responsibility of processing NICS checks initiated by FFLs for firearm

<sup>4</sup> North Carolina became a non-POC state in April 2023

<sup>5</sup> New York became a full-POC state in October 2023

transfers. In 2023, the partial-POC states processed checks related to handgun transfers and the NICS Section was responsible for checks related to long gun transfers (occurring at FFLs).

The four partial-POC states are:

Maryland                      New Hampshire                      Washington                      Wisconsin

One partial-POC state, Nebraska, processes state-issued handgun permits for individuals interested in receiving a handgun in their state, and the FFLs contact the NICS Section to process the NICS check for any potential long gun transfers.

Regardless of a state’s POC status, individuals challenging a denied transaction ‘may elect to direct’ their challenge directly to the FBI. See Title 28 Code of Federal Regulations (C.F.R) Section 25.10(d). More information about challenges (appeals) is in the [Firearm-related Challenges \(Appeals\)](#) section of this document.

## **NICS Availability**

To operate completely and accurately, NICS depends on the availability of the NICS Indices, III, and NCIC. If either III or NCIC is not available, it impacts NICS even though NICS and the NICS Indices are fully operational. Decreases in availability of NICS are typically due to scheduled maintenance (for system upgrades) or unscheduled maintenance (to resolve any reported system issues). Due to the impact outages have on stakeholders, including those wishing to purchase a firearm, NICS Section staff make every effort to ensure these outages are rare and are addressed quickly when they do occur. In 2023, the average availability of NICS was 99.85 percent, which is consistent with the availability average of 99.84 percent for the previous five years.

FFLs contacting the NICS Section have the option of initiating a NICS background check by either calling the NICS Contracted Call Center (NCCC) via telephone or electronically through a secure internet connection, known as the NICS E-Check. NICS is customarily available by phone 17 hours a day, every day of the year excluding Christmas day. The NICS E-Check is available 24 hours a day, seven days a week, every day of the year (including all holidays).

When calling the NCCC, a customer service representative (CSR) enters the prospective firearm transferee’s name and descriptive information, provided by the FFL from the ATF Form 4473, into NICS to initiate the search. Over 70 percent of traditional<sup>6</sup> NICS checks proceed or are denied instantly. For example, if the subject’s identifying information matches no records in any of the systems searched, NICS instantly provides the CSR a proceed status. Similarly, if NICS instantly determines a valid match to a prohibiting record (e.g., a valid descriptive match to a NICS Indices entry), the system provides the CSR with a denied status and the CSR advises the FFL of that status. When a NICS transaction requires further review, the CSR advises the FFL the transaction has a delayed status, provides the FFL with the NICS-generated Brady Transfer Date (BTD), and the NICS Transaction Number (NTN). The transaction is routed electronically to a NICS Section staff member to process. After a review and a final determination, the NICS Section staff will submit the NTN and status back to the NCCC for a return call to the FFL. This

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<sup>6</sup> Traditional NICS checks refers to transactions for individuals 21 years of age or older.



process eliminates lengthy telephone hold times for the FFLs while increasing timely determinations of firearm eligibility.

NICS E-Check removes the CSR from the process of initiating a NICS background check by providing FFLs the ability to submit information for a background check electronically via a secured internet connection. NICS processes E-Checks similarly to the telephonic process described above: if no records are matched, the FFL receives the instant proceed status through NICS E-Check, if disqualifying information is instantly identified during the initial NICS search, the denied status is instantly provided for the FFL to retrieve through NICS E-Check, and if an immediate eligibility determination is not possible, NICS E-Check provides the FFL with the delayed status, the NTN, and the BTM, and routes the transaction to the NICS Section staff for processing.

There are many benefits for an FFL to use the NICS E-Check, including:

- Increased data accuracy which increases the accuracy of the NICS check, as the FFL enters the data directly into the system, rather than relaying it via phone call.
- 24 hours a day, 7 days a week availability.
- Instant FFL availability of a final status without awaiting a callback from the NCCC.
- Improved record keeping for FFLs—ability to print or export completed NICS background check requests and results.
- Increased FFL access to communications from NICS regarding issues such as the current NICS operational status.
- Reduction in NCCC traffic for faster processing and less hold times for FFLs opting to use the NCCC to initiate NICS background checks.

In 2023, over 90 percent of NICS background checks were processed via the NICS E-Check.

## **Immediate Determination Rate (IDR)**

IDR consists of all transactions in which the NICS Section makes a final status determination within seconds to minutes of the FFL initiating the check. The U.S. Attorney General requested the NICS Section attempt to maintain a 90 percent IDR. The NICS Section strives to meet or exceed this goal. In fact, in 2023, the IDR was 91.58 percent, exceeding the previous five years' average IDR of 88.74 percent.

Less than 9 percent of NICS background checks processed by the NICS Section in 2023 needed further research, often because the subject was a descriptive match to a potential firearm prohibition and more information was needed to either establish or eliminate the potential prohibition. When this occurs, the NICS Section searches for this additional information, for instance, by making contacts to agencies that could have the information. This information is not always available, the agency may not respond, or the agency's response may not be received in a timely manner. The NICS Section has three business days to provide a final status to the FFL per legislative requirements, otherwise the FFL may generally transfer the firearm. Again, a business day is a 24-hour day (beginning at 12:01 a.m.) on which state offices are open and does not include Saturday, Sunday, or state and federal holidays. For these checks, the BTM is the expiration of three business days (exclusive of the day on which the query is made). For individuals under 21 years of age, the BTM can be extended up through ten business-days if

cause of a potential juvenile prohibition as described under 18 U.S.C. § 922(d) is established. An FFL is generally not prohibited from transferring a firearm after the third, or tenth, business day, as applicable, even if the NICS Section has been unable to provide a final determination.

## Unresolved Transactions

The NICS Section continues working a transaction until a final determination can be made or until the transaction is purged from NICS. Pursuant to NICS Regulation, 28, C.F.R. § 25.9, all information relating to a NICS check, except for the NTN and date of inquiry, is destroyed after not more than 90 days from the inquiry date if an eligibility determination cannot be made within that time. In 2023, there were 378,974 traditional NICS transactions handled by the NICS Section that could not be resolved within 3 business days. Of these, 275,717 (approximately 3 percent of all checks received in 2023) remained unresolved and were purged from the NICS audit log within 90 days of the date of inquiry.

<b>NICS Section Unresolved Transactions by State/Territory, 2023</b>			
Alabama	20,001	New Hampshire	622
Alaska	1,406	New Jersey <sup>1</sup>	0
Arizona	13,275	New Mexico	5,107
Arkansas	7,386	New York <sup>3</sup>	1,913
California <sup>1</sup>	0	North Carolina	13,268
Colorado <sup>1</sup>	0	North Dakota	1,119
Connecticut <sup>1</sup>	0	Ohio	12,030
Delaware	690	Oklahoma	8,132
Florida <sup>2</sup>	3	Oregon <sup>1</sup>	0
Georgia	23,094	Pennsylvania <sup>4</sup>	1
Hawaii <sup>1</sup>	0	Rhode Island	474
Idaho	3,792	South Carolina	9,072
Illinois <sup>1</sup>	0	South Dakota	1,283
Indiana	8,192	Tennessee <sup>1</sup>	0
Iowa	1,941	Texas	31,708
Kansas	5,680	Utah <sup>1</sup>	0
Kentucky	4,903	Vermont	554
Louisiana	14,326	Virginia <sup>1</sup>	0
Maine	2,433	Washington	4,104
Maryland	1,567	West Virginia	26,062
Massachusetts	1,688	Wisconsin	3,865
Michigan	9,063	Wyoming	1,394
Minnesota	6,317	District of Columbia	748
Mississippi	11,444	American Samoa	0
Missouri	11,507	Guam	66
Montana	3,505	Northern Mariana Islands	4
Nebraska	482	Puerto Rico	1,476
Nevada <sup>1</sup>	0	Virgin Islands	20

<sup>1</sup>Full-POC state—the NICS Section did not conduct their NICS checks.

<sup>2</sup>NICS transactions conducted by the NICS Section for Florida pre-pawn checks.

<sup>3</sup>NICS transactions conducted by the NICS Section before New York became a full-POC state.

<sup>4</sup>NICS transaction conducted by the NICS Section for a Pennsylvania “other” transaction (frame, receiver, etc.).

## Federal Prohibitions

With every NICS firearm background check, the NICS Section considers all federal firearm prohibitions to determine firearm eligibility.

Federal law prohibits any person from possessing or receiving a firearm who:

Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year—**18 U.S.C. § 922(g)(1)**

Is a fugitive from justice—**18 U.S.C. § 922(g)(2)**

In an unlawful user of or addicted to any controlled substance—**18 U.S.C. § 922(g)(3)**

Has been adjudicated as a mental defective or committed to a mental institution—**18 U.S.C. § 922(g)(4)**

Is illegally or unlawfully in the United States—**18 U.S.C. § 922(g)(5)**

Has been discharged from the Armed Forces under dishonorable conditions—**18 U.S.C. § 922(g)(6)**

Having been a citizen of the United States, has renounced U.S. citizenship—**18 U.S.C. § 922(g)(7)**

Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner—**18 U.S.C. § 922(g)(8)**

Has been convicted in any court of a misdemeanor crime of domestic violence (MCDV) —**18 U.S.C. § 922(g)(9)**

Is under indictment/information for a crime punishable by imprisonment for a term exceeding one year—**18 U.S.C. § 922(n)**

The NICS Section also considers hundreds of state prohibitions, as applicable (based on the state of residence and the state of attempted firearm transfer), to determine firearms eligibility.

## NICS Denials

As previously discussed, a valid match of a NICS Indices hit allows NICS users to render an immediate denial determination. Criminal history information available through III may also possess firearm disqualification indicators allowing for an immediate denial determination during a NICS check. Similarly, NCIC responses may possess firearm disqualification indicators allowing for an expedited denial decision during a NICS background check. However, in many instances, when a NICS background check matches a record to the prospective firearm transferee, the NICS Section staff conducts research to determine if a firearm prohibition exists and validate records located in NCIC. The NICS Section publishes monthly reports of the NICS Section's denials by prohibition on the FBI's website at [www.fbi.gov](http://www.fbi.gov). In 2023, the NICS Section denied a total of 116,587 firearms transactions. Historically, and again in 2023, the leading reason for a NICS Section denial was 18 U.S.C. § 922 (g)(1)—being convicted of a crime punishable by imprisonment for a term of more than one year.

<b>NICS Section Denials by Category, 2023</b>	
<b>Category</b>	
Convicted of a crime punishable by more than one year (includes misdemeanors punishable by more than two years)—922(g)(1)	52,299
Under indictment/information—922(n)	12,447
Unlawful user/addicted to a controlled substance—922(g)(3)	11,070
State prohibition	9,501
Fugitive from justice—922(g)(2)	8,492
Misdemeanor crime of domestic violence conviction—922(g)(9)	7,706
Adjudicated/Committed mental health—922(g)(4)	7,513
Illegal/unlawful alien—922(g)(5)	4,172
Protection/restraining order for domestic violence—922(g)(8)	3,328
Dishonorable discharge—922(g)(6)	47
Federally denied persons file	9
Renounced U.S. citizenship—922(g)(7)	3
<b>Total denied transactions per year</b>	<b>116,587</b>

### NICS Section Denials by State/Territory, 2023

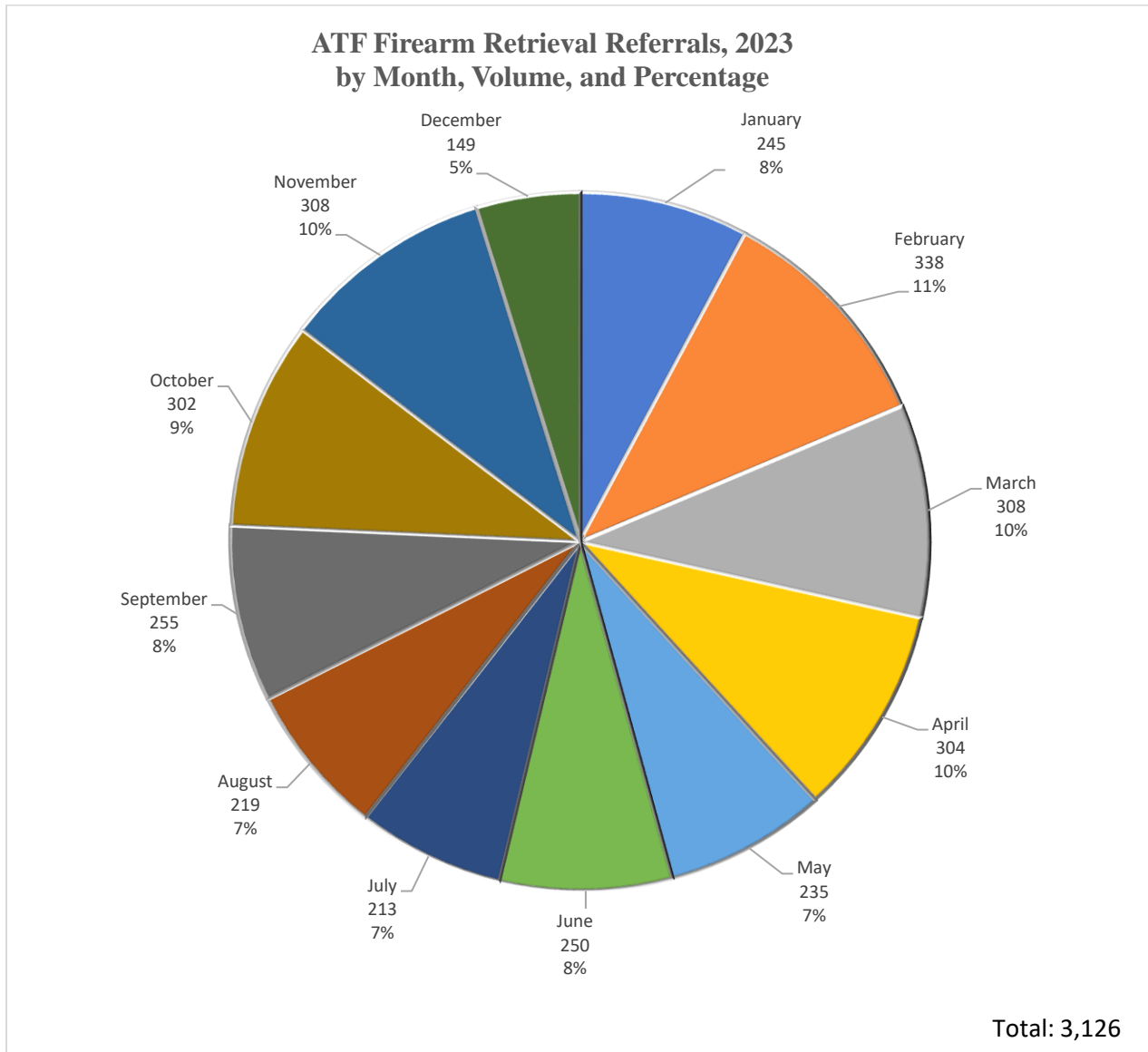
State	Denials	State	Denials
Alabama	4,914	New Hampshire	635
Alaska	687	New Jersey <sup>1</sup>	0
Arizona	6,001	New Mexico	2,120
Arkansas	2,862	New York <sup>2</sup>	2,369
California <sup>1</sup>	0	North Carolina	11,261
Colorado <sup>1</sup>	0	North Dakota	724
Connecticut <sup>1</sup>	0	Ohio	5,377
Delaware	612	Oklahoma	2,872
Florida	0	Oregon <sup>1</sup>	0
Georgia	9,748	Pennsylvania <sup>1</sup>	0
Hawaii <sup>1</sup>	0	Rhode Island	148
Idaho	1,304	South Carolina	5,713
Illinois <sup>1</sup>	0	South Dakota	477
Indiana	5,753	Tennessee	0
Iowa	1,750	Texas	18,809
Kansas	2,076	Utah <sup>1</sup>	0
Kentucky	3,292	Vermont	282
Louisiana	6,522	Virginia <sup>1</sup>	0
Maine	655	Washington	5,300
Maryland	2,717	West Virginia	1,717
Massachusetts	350	Wisconsin	2,315
Michigan	8,825	Wyoming	501
Minnesota	3,821	District of Columbia	92
Mississippi	3,155	American Samoa	0
Missouri	4,400	Guam	14
Montana	982	Northern Mariana Islands	0
Nebraska	491	Puerto Rico	415
Nevada <sup>1</sup>	0	Virgin Islands	7

<sup>1</sup>Full-POC state—the NICS Section did not conduct their NICS checks.

<sup>2</sup>NICS transactions conducted by the NICS Section before New York became a full-POC state.

## ATF Firearm Retrieval Referrals

If information is received after the transfer of a firearm indicating the transferee is a prohibited person, a firearm retrieval referral is sent to ATF. In 2023, there were 3,126 firearm retrieval referrals provided to ATF equating to 2.7 percent of the NICS Section's denials and down from the 3.4 percent average from the five previous years.





<b>ATF Firearm Retrieval Referrals by State/Territory of Residence, 2023<sup>1</sup></b>			
Alabama	222	New Hampshire	1
Alaska	18	New Jersey	0
Arizona	240	New Mexico	58
Arkansas	63	New York	2
California	1	North Carolina	151
Colorado <sup>2</sup>	0	North Dakota	18
Connecticut <sup>2</sup>	0	Ohio	116
Delaware	3	Oklahoma	113
Florida	5	Oregon	2
Georgia	261	Pennsylvania <sup>2</sup>	0
Hawaii <sup>2</sup>	0	Rhode Island	1
Idaho	44	South Carolina	71
Illinois	1	South Dakota	23
Indiana	127	Tennessee	2
Iowa	20	Texas	476
Kansas	123	Utah	2
Kentucky	71	Vermont	10
Louisiana	130	Virginia <sup>2</sup>	0
Maine	40	Washington	30
Maryland	16	West Virginia	40
Massachusetts	24	Wisconsin	34
Michigan	112	Wyoming	19
Minnesota	57	District of Columbia	1
Mississippi	168	American Samoa	0
Missouri	148	Guam	1
Montana	36	Northern Mariana Islands	1
Nebraska	4	Puerto Rico	20
Nevada	0	Virgin Islands	0

<sup>1</sup>These statistics represent the number of transactions referred to ATF for retrieval consideration due to the firearm being transferred to an individual matched to prohibiting information. The statistics do not represent the number of firearms potentially transferred.

## **Firearm-Related Deny Challenges (Appeals)**

As previously mentioned, the NICS checks are based on comparing the descriptive information of a potential firearm transferee and the information available to the NICS, and not by fingerprint comparison. However, the FBI has a challenge process available for any individual believing they were wrongly denied the transfer of a firearm. The firearms deny challenge/appeal process provides for fingerprint comparison to assist with identity resolution. The challenge process also allows for the consideration of additional documentation, such as a restoration or rights, which may not have been available to NICS during the initial check.

The NICS Section is required to process firearm deny challenges/appeals from all states and territories, if requested, including deny decisions issued by a state serving as a full- or partial-POC state.

Pursuant to 28 C.F.R. § 25.10, “an individual may request the reason for the denial from the agency that conducted the check of the NICS or the FBI (the “denying agency” will be the FBI or the state/local law enforcement agency serving as the POC).” Individuals denied directly by a full- or partial-POC state are encouraged to contact the POC state that determined the denial prior to contacting the FBI. When individuals wish to challenge the reason for a denied status, a

subsequent request must be submitted. The firearm-related challenge process offers individuals the opportunity to submit a request and receive results electronically or via U.S. Postal Service-First Class Mail®.

Individuals wishing to inquire about the reason for their firearm-related denial or to challenge the reason for their firearm-related denial electronically are directed to [www.edo.cjis.gov](http://www.edo.cjis.gov). Faxed and e-mailed requests are not preferred; however, are accepted if received. In addition, individuals who wish to submit a challenge request via mail may send the request to the CJIS Division, Attention: NICS Section, 1000 Custer Hollow Road, Clarksburg, WV 26306.

In 2023, the FBI received 22,615 firearm-related challenges, resulting in 12,406 (54.9 percent) being sustained and 6,263 (27.7 percent) overturned. The primary reason for overturning denied transactions in 2023 was due to inaccurate or incomplete disposition information. The average of denial overturns occurring in 2023 is consistent the previous five years' average of 26.2 percent.

## **Voluntary Appeal File (VAF)**

NICS is required to purge all identifying information regarding proceeded transactions within 24 hours of notification to the FFL. In many cases, specifically with overturned denials involving a denial based on a descriptive match to a non-matching fingerprint or when a criminal history cannot be updated/corrected, an individual can be denied again due to remaining a biographical match to prohibiting record/information. To combat this and unnecessary delays from occurring in future transactions, the NICS Section implemented the VAF in July 2004. It is not a prerequisite to have completed a NICS check to apply for entry into the VAF. For example, individuals having been subject to identity theft may wish to apply before even attempting a firearm transfer. Applicants approved for entry into the VAF receive a Unique Personal Identification Number (UPIN). The individual provides the UPIN to an FFL through entry on the ATF Form 4473 during subsequent NICS background checks to give NICS access to the individual's VAF information.

In 2023, there were over 50,000 active UPINs. If an individual is determined to no longer be eligible to possess or receive a firearm, the NICS Section deactivates the UPIN. Individuals wishing to request entry into the VAF may access [www.fbi.gov/nics-appeals](http://www.fbi.gov/nics-appeals) for additional information.

## **NICS Denial Notification Act (NDNA)**

The NDNA, which as passed as part of the Consolidated Appropriations Act, 2022 (Public Law 117-103), required the U.S. Attorney General to report NICS denials to appropriate local law enforcement authorities (e.g., state, local, or tribal law enforcement authorities). Reports to authorities are sent based on the potential firearm transferee's residence and, if different, the local law enforcement authorities of the state or tribe where the attempted firearm transfer occurred. The NDNA was codified at 18 U.S.C. § 925B. The NICS Section implemented the NDNA requirements on September 26, 2022.

The NDNA message includes the date and time of the denial, the reason for the denial, the location of the FFL, and the identity of the person. If at any time the original denial obtains a change in status, an updated report is sent to all authorities receiving the original report.

In 2023, NICS considered approximately 18,000 agencies when identifying agencies to receive NDNA reports. Multiple law enforcement agencies may have jurisdiction and qualify to receive NDNA reports; therefore in 2023, NICS provided approximately five NDNA reports per denied transaction.

## **Bipartisan Safer Communities Act (BSCA) of 2022**

On June 25, 2022, President Joseph R. Biden signed BSCA into law. See Pub. L. 117-159. BSCA includes amendments to, among other provisions, 18 U.S.C. §§ 921 and 922, which impacts NICS in several ways. First, it modified the “misdemeanor crime of domestic violence” prohibition to encompass certain dating relationships. Therefore, persons convicted on or after June 25, 2022, of a qualifying domestic violence offense committed against a person with whom they are or were recently in a “dating relationship” will now be denied during a NICS background check. Second, BSCA created an enhanced background check process for persons under the age of 21 (U21) to allow for additional outreach with state and local agencies. This new outreach seeks potentially disqualifying juvenile criminal and mental health records (as described under 18 U.S.C. § 922(d)) those agencies may have.

The implementation of the BSCA provisions expanding NICS background checks for persons U21 was challenging to implement. As part of the expanded background check, NICS Section staff conduct three additional points of outreach:

- ❖ State criminal history or juvenile justice system information.
- ❖ State custodian of mental health adjudications.
- ❖ Contact with the local law enforcement agency.

This outreach assists NICS in determining if the subject of the U21 check has potentially prohibiting juvenile criminal history or mental health information that is not already available to NICS and may disqualify the individual from possessing a firearm. Using system developments brought about by the NDNA, these contacts are determined based on the potential transferee’s residence address.

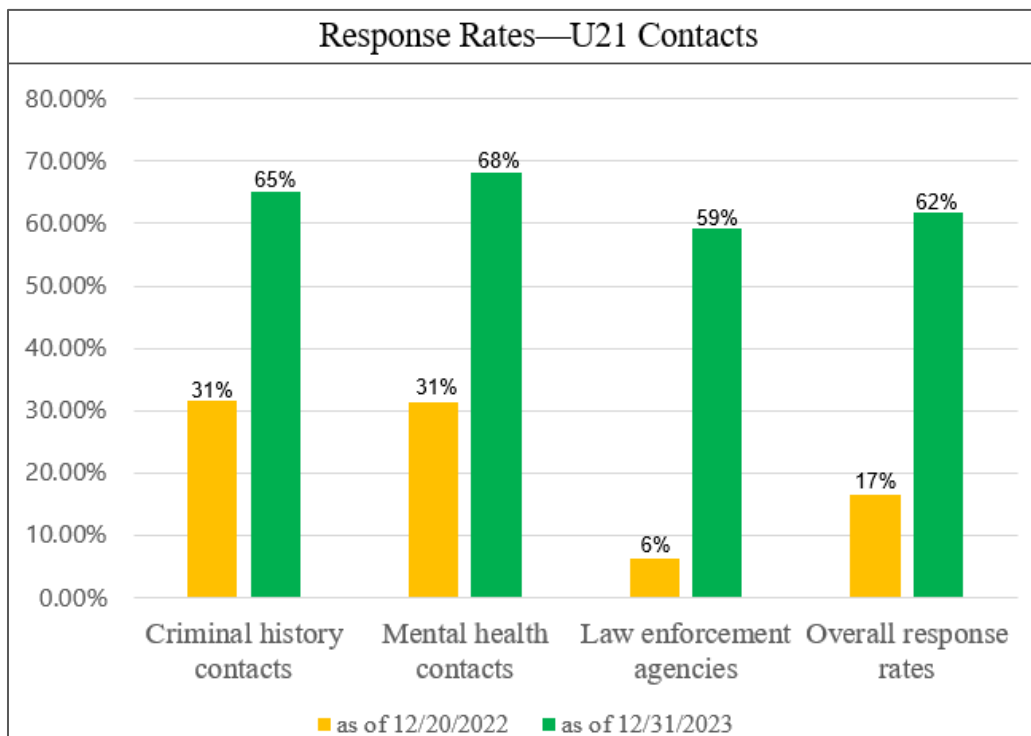
As noted previously, federal law allows an FFL to transfer a firearm without first receiving a denied response from NICS after a certain timeframe. As noted above, for potential firearm transferees 21 years of age or older, federal law allows an FFL to transfer a firearm (i.e., the BTM discussed above) in such scenarios after three business days. With the passage of BSCA, for potential U21 transferees, the BTM may be extended up through the tenth business-day if cause exists to research potentially prohibiting juvenile records for those transaction. The NICS Section notifies the FFL of the need for the extended delay of a U21 transaction when applicable.

As of December 31, 2023, the NICS Section had completed 205,124 U21 transactions since the additional checks began on October 14, 2022. A total of 189,359 transactions (92 percent) were proceeded from October 14, 2022, to December 31, 2023, and 13,519 were in a delayed status for that same timeframe. The NICS Section has denied 1,934 U21 transactions (0.94 percent) between October 14, 2022, and December 31, 2023; 524 of those denials were a direct result of the expanded background checks required under the provisions of BSCA. In other words, 524 U21 transactions would likely not have been denied without BSCA outreach because the disqualifying information had not been made available to NICS.

To successfully implement the U21 provisions, and others, laid out by BSCA, the NICS Section engaged its information technology partners to make necessary changes to the functionality of the NICS application. At the time this report was being drafted, the Department had just published a Notice of Proposed Rulemaking (or NPRM) on the Federal Register (RIN 1110-AA36) related to U21 transactions (as well as the NDNA). Comments are being accepted into February for that NPRM.

Prior to implementation of the U21 provisions, the NICS Section held individual discussions with primary contacts to introduce and educate regarding the NICS implementation of BSCA. NICS Section staff also identified the contact within each state (as well as the District of Columbia and five U.S. territories) for juvenile justice and mental health information related to BSCA-required outreach. Staff used these individualized conversations to validate state privacy restrictions, identify what can be shared from a juvenile perspective, and formalize appropriate contacts at the state level to request this information from those that did not have existing repositories. When the NICS Section’s primary contacts provided feedback and affirmed their understanding and actions in compliance with BSCA, the NICS Section moved to initiating customized education.

Because of these efforts, response rates from each of the three U21 points of outreach increased substantially in 2023. Responses from local law enforcement showed the most improvement with response rates moving from 6 percent to almost 60 percent. These responses, in turn, assist NICS to make timely and accurate firearms eligibility determinations, helping to ensure that a prohibited person is not able to acquire a firearm from an FFL.



The NICS Section and entities within the CJIS Division’s Law Enforcement Engagement Unit also conducted outreach to law enforcement via various conferences and meetings. At the close of 2023, the NICS Section had reached over 4,000 members of law enforcement in efforts to

conduct outreach, education, and raise awareness of new BSCA provisions affecting how NICS interacts with their agencies.

In 2023, the CJIS Division was actively working with DOJ regarding other BSCA provisions, such as working to promulgate separate rulemakings that would allow FFLs to voluntarily use NICS as part of background checks of their current or prospective employees and (while not directly related to NICS) FFLs' access to information about firearms reported as stolen in the NCIC Gun File. The NICS Section engaged with the CJIS Division's NCIC Operations and Policy Unit regarding its concept and implementation as long-term solutions propose allowing FFLs access to the NCIC Gun File for this limited purpose using the existing credentialing and access procedures via a familiar tool, the NICS E-Check.

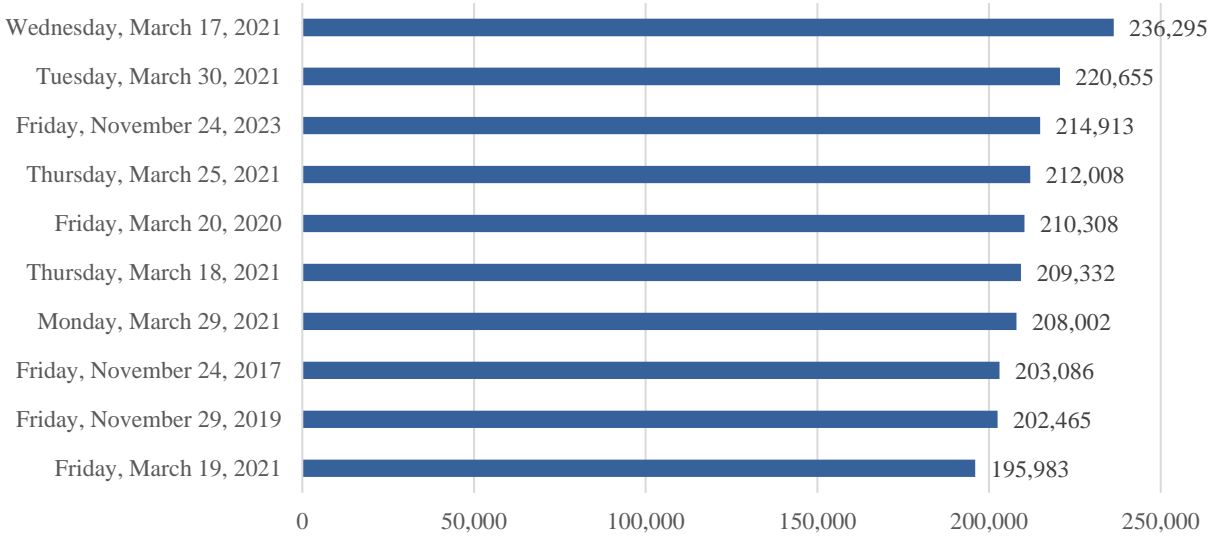
## **Disposition of Firearms (DOF)**

NICS is accessible to criminal justice agencies prior to disposing or returning firearms currently under the agency's control to a prospective transferee. A search of NICS assists the agencies in determining an individual's eligibility to ship, transport, possess, and/or receive firearms in accordance with federal and state law. As of December 31, 2023, state law enforcement/criminal justice agencies within 46 states and the District of Columbia access NICS for DOF purposes. DOF checks were also conducted by 79 federal agencies such as the military, the FBI, and ATF offices, as well as 153 tribal agencies. From January 1, 2023, through December 31, 2023, there were 149,099 instances of NICS being accessed for DOF purposes. Although agencies are not required to report DOF denials to the NICS Section, approximately 6,445 DOF denials were reported during 2023, equating to at least a 4 percent denial rate. DOF volume has increased by 122 percent over the past five years.

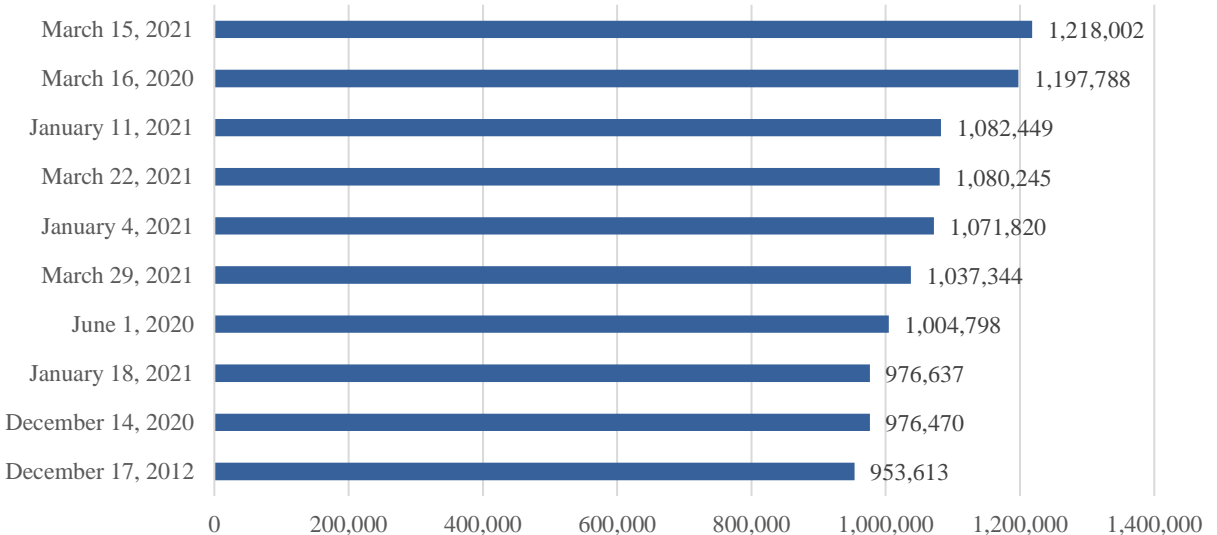
## **NICS Peak Time**

The NICS Section typically observes an increase in transaction activity associated with major hunting seasons and year-end holidays; however, this trend changed during the time of the COVID-19 pandemic. The NICS Section experienced most of its highest volume days and weeks in 2021. March 17, 2021, was the single highest volume day to date when NICS processed 236,295 NICS background checks. During 2023, NICS experienced a return to a relatively pre-pandemic cycle of transaction seasonal activity. In fact, NICS Section staff processed 214,913 background checks on Friday, November 24, 2023, marking the third highest volume day to date.

### NICS Firearms Background Checks Top 10 Highest Days Program to Date



### NICS Firearms Background Checks Top 10 Highest Weeks Program to Date





## Communication Enhancements

Staff in the NICS Section continually strive to provide timely and accurate determinations of an individual's firearms and/or explosives eligibility in accordance with federal and state law. Information technology enhancements to NICS are continuous to further advance system functionality.

When the information available to NICS during a background check is incomplete and additional information is needed to establish or eliminate a potential firearm prohibition, outreach to external agencies is often required. Historically, NICS had conducted that outreach via fax, e-mail, and mail. NICS has taken further steps towards encrypting communications between FBI and outside entities in an effort to secure personal information and at the same make it easier for agencies to respond. In January 2023, the NICS Section created a new option for sending (and responding to) these requests—the digital R-84 form. This new feature sends participating agencies an e-mail with a direct link to a request from the NICS Section, and a Personal Identification Number (PIN) is provided. Both the link and PIN are unique to the specific information being requested. The agency utilizes this method to access a secure area of NICS containing the requested information. They are then able to provide the necessary information directly within the system. This method allows for several efficiencies, both to the NICS Section, and the federal, state, local, and tribal agencies contacted for information. The digital R-84 was successfully tested with several external agencies, and the NICS Section started a national rollout in 2023. The goal is to make the digital R-84 the standard method of contact for requesting missing information.

## Appendix A: Acronyms

ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
Brady Act	Brady Handgun Violence Prevention Act of 1993
BSCA	Bipartisan Safer Communities Act of 2022
BTD	Brady Transfer Date
C.F.R.	Code of Federal Regulations
CJIS	Criminal Justice Information Services Division
CSR	Customer Service Representative
DOF	Disposition of Firearms
DOJ	Department of Justice
FFL	Federal Firearms Licensee
IDR	Immediate Determination Rate
III	Interstate Identification Index
MCDV	Misdemeanor Crime of Domestic Violence
NCCC	NICS Contracted Call Center
NCIC	National Crime Information Center
NDNA	NICS Denial Notification Act
NICS	National Instant Criminal Background Check System
NTN	NICS Transaction Number
PIN	Personal Identification Number
POC	Point of Contact
U21	Under the Age of 21
UPIN	Unique Personal Identification Number
U.S.C.	United States Code
VAF	Voluntary Appeal File