

REVIEW OF A RECORD

If your transaction is approved or is approved after a research period, you would not be entitled to a review of your record. You may only review your record if your request for a firearm transfer is denied. However, if you would like a copy of your Utah criminal history report, you may apply for a Right of Access through our office. If you would like more information on obtaining a Right of Access, please call (801) 965-4445.



Utah Department of Public Safety

Bureau of Criminal Identification
3888 W 5400 S
Taylorsville UT
Phone: (801) 965-GUNS (4867)
Phone: 1-800-500-GUNS
Toll Free Fax: 1-877-879-6228

REASONS FOR A DENIAL

The following reasons may cause a person to go into research or be denied:

- Felony Conviction
- Pending Felony Charges
- Conviction of a misdemeanor offense involving Domestic Violence.

This is regardless of any plea negotiations that may have resulted in a lesser charge.

- Active Protective Order
- Active Warrant
- Adjudicated as Mentally Defective
- Illegal Alien
- Dishonorable Discharge
- Renounced U.S. Citizenship
- Drug Dependant Persons or Unlawful Users of Controlled Substances.
- Conviction of a Felony or Violent Felony as a Juvenile (within the last 10 years).

State of Utah Department of Public Safety

Bureau of Criminal Identification

GUIDE FOR REVIEWING AND APPEALING A FIREARM TRANSACTION DENIAL



Search Request # _____
(Provided by the FFL)

If you have just been denied by a federally licensed firearms dealer from receiving a gun because of a criminal history record, you may appeal as provided in the federal firearms regulations. This brochure is designed for appealing denials made by the Utah Bureau of Criminal Identification (BCI). The following procedures are steps you must follow for an appeal. If BCI is not able to resolve the appeal, they will provide you with the name and address of the agency that originated the record upon which the denial was based. You may also contact the National Instant Check System (NICS).

REQUESTING THE REASONS FOR YOUR DENIAL.

STEP 1

1. You may request the reason(s) for your denial by coming in BCI in person or by writing to:

**Utah Department of Public Safety
Bureau of Criminal Identification
Brady Firearms Section
3888 W 5400 S
Taylorsville UT 84129**

All requests must be signed and notarized and must be mailed, emailed, or faxed to BCI.

The Search Request number (SRN) is a tracking number that is directly linked to your denial. You must include the SRN with your request. You should obtain the SRN from the dealer when you are purchasing the firearm. BCI will respond to your request by providing the reason(s) for your denial within five business days after receiving your request. This response will indicate whether you must provide additional

information or documents to support any appeal and will include the request for appeal form.

STEP 2

The following steps must be taken to either challenge your record or make a claim that the record pertains to someone other than yourself. All requests for appeal must be submitted on the request for appeal form provided by BCI.

Questions of Identity

The request for appeal form will have a section for your fingerprints. You will need to go to a local law enforcement department to have your prints recorded on the form or come to BCI in person. Submit the form along with any other required documents to BCI.

Record Challenges

1. After receiving the reasons(s) for your denial, you may challenge the accuracy of the record by submitting your request for appeal. Please include any supporting information or documentation requested by BCI.

2. BCI will carefully review all information and documents that you provide. If the review indicates that your denial should be overturned, BCI will contact the FFL dealer with notice of approval.

3. If BCI is unable to resolve the appeal, you will be provided information to contact the agency that created the record.

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You may then apply for correction of the record directly with that agency. In this case, you must follow procedures established by the agency that maintains the original record. If your record is determined to be invalid or incorrect, the originating agency will correct your record. Once this is done, you must notify BCI of the record correction and provide the supporting documentation. Once this information has been verified, BCI will contact the FFL dealer with notice of approval.

SUCCESSFUL APPEAL

If less than 30 days have passed since the initial check, and if there are no other disqualifying records on which the denial was based, BCI will notify the firearms dealer that the transfer may proceed. If more than 30 days have passed since the initial check, the firearms dealer must conduct another background check before the transfer can continue.

You may contest the accuracy or validity of a disqualifying record by bringing an action against the state or political subdivision responsible for providing the information used to create the record or to add to an existing record, or against the United States, as the case may be, for an order directing the erroneous information be corrected or the transfer be approved.

If you do not agree with our findings, you may also contact:

**Federal Bureau of Investigation
NICS Section
Appeal Services Team
Module A – 1
Post Office Box 4278
Clarksburg, WV 26302-9922**