



BCI Brady Section Newsletter

May 2015

Contents

1. Newsletter Information
2. 2014 Calendar Year Checks
3. Web-based Gun Check System Enhancements
4. Denials/Business Hours
5. 2014 Sales/Denials Statistics
6. Top 40 Dealers for 2014
7. Upcoming Enhancements
8. New Rules Placed into effect this Year

Newsletter Information

The purpose of the BCI newsletter is to provide dealers with information regarding firearm transfers. Changes in laws, policies, and procedures will be included, as well as answers to questions we receive from dealers. It is important that you read this newsletter and brief your staff on its contents. The newsletter is only available electronically at our BCI website. It is located at publicsafety.utah.gov. Go to the Criminal Identification Link under the "Divisions" tab, then follow the path: Firearm Transfers-Dealers-Firearms Section Newsletters. On the left will be listed the current newsletter under the Firearm Transfer Newsletters.

2014 Calendar Year Checks

2014 was a high year for back ground checks and validations of concealed permits. We ran 91,437 regular background checks in 2014 and validated almost 81,000 concealed firearm permits. This was a decrease over 2013 which was a record setting year with 110,623 regular background checks and almost 95,000 permit verifications. Checks for 2015 have been trending close to 2014 numbers but just a slight bit higher.

Web-based Gun Checks/System Enhancements

If you would like to run background checks on the Internet, contact Lance Tyler at (801) 964-4517 or lt Tyler@utah.gov to request the application/waiver to set up your company or you may find this on our website also. We may be able to do on-site training in your store. In addition to running background checks, you will be able to see all the checks your store has run in the last twenty days. This can help you in verifying your billing on a daily or weekly basis. You will not be able to use the web-based gun check system for running CFP's, out-of-state driver's license checks, or a check involving an immigrant/non-immigrant. These must all be called in still. The web-system does allow you expand the time frame for running background checks beyond normal business hours at BCI. Beginning in August 2015 (approximately) the FBI NICS plans on going 24/7, 365 days of the year. This will be phase 1 of their "New NICS" expansion. This means any dealer in the state of Utah will be able to run a back ground check at any time of the day, any day of the year as long as they have an account on our web based system. Of course, if you get a pending response during non-business hours you will still have to wait until a technician is able to look at it during normal business hours. Also, if you get a research response on your web check submission at any time, please wait until you receive a return call from BCI before releasing the firearm. Remember your permanent password is only good for 90 days. Before the expiration date of the password you will not receive a prompt to renew it. You will, however, be able to see the expiration date of the password every time you log in. If it shows your log-in expires on May 23, 2014 (for example), the password actually expires at 12:00 am that day and not 11:59 pm, so don't wait until the very last day to renew the password or you will probably be calling BCI to get a new temporary 3 day password.

Denials

For dealers in the Salt Lake area, please do not send your customers to BCI over the weekend to find out why they have been denied. The office is closed and we are not able to help them. Our office hours are Monday through Friday, 8:00AM-5:00PM. BCI is not able to disseminate denial information over the phone. Please do not tell your customers to call BCI to find out why they were denied. We can only tell them how to obtain the reason for denial and discuss the reasons why we might deny a potential buyer. There are two ways to retrieve denial information: in person at our office, or through a notarized letter (it may be mailed or faxed in). They must use the form that is provided on our website to retrieve their denial/research information. No handwritten notes requesting the information are accepted anymore. We are happy to answer any other questions your customers have. If you do not have any denial pamphlets in your store, they may be retrieved on our website listed at the beginning of the newsletter. Just go to the consumer and dealer sections under the Firearms Transfer Link. The denial pamphlets should be given out to every customer who is denied.

The Table on the following page shows the total number of regular checks performed in the year 2014 by month and the number of denials broken down into categories. The number of checks does not reflect the number of sales of firearms, only the number of individual checks as a buyer may have purchased more than one firearm during a single transaction.

Year 2014 Sales/Denial Statistics
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Brady Monthly Totals (12 Months) Regular Firearm Checks (Not Individual Sales)

Month	Total	Denials	Denial Reasons					Denial %
			WARRANT	RECORD	*D V	*P O	*OTHER	
Dec '14	13807	249	87	67	18	28	49	1.8%
Nov '14	10036	196	67	46	10	25	48	1.95%
Oct '14	7394	190	59	47	14	25	45	2.6%
Sep '14	7207	175	57	51	11	13	43	2.4%
Aug '14	6393	110	31	33	4	14	21	1.7%
Jul '14	5229	97	34	20	8	14	21	1.9%
Jun '14	5553	133	43	33	7	10	40	2.4%
May '14	6069	150	47	36	8	20	39	2.5%
Apr '14	6417	157	40	41	9	23	44	2.4%
Mar '14	8085	161	46	53	4	19	39	2.0%
Feb '14	8748	212	70	55	18	20	49	2.4%
Jan '14	6499	155	43	29	21	20	42	2.4%
TOTALS	91,437	1985	624	511	132	231	487	2.2%

* Note D V = Domestic Violence P O = Protective Order

* OTHER = Drug addiction, Mental Incompetent, Illegal Alien, Renounced Citizenship, Dishonorable Discharge, National Instant Check Denial (NICS)

2014 Top 40 Dealers As Listed By Number of Background Checks Performed

- 1) Cabelas
- 2) Scheel's
- 3) Gunnies
- 4) Sportsman's Warehouse - Midvale
- 5) Gallenson's
- 6) Impact Guns - Ogden
- 7) Basin Sports
- 8) Sportsman's Warehouse - Provo
- 9) Sportsman's Warehouse - Riverdale
- 10) Jiffy's - Vernal
- 11) Sportsman's Warehouse - St George
- 12) Get Some LLC - Murray
- 13) Smith and Edwards
- 14) Al's
- 15) Sportsman's Whse - Logan
- 16) Doug's Shoot'n Sports
- 17) Dixie Gun and Fish
- 18) Get Some Layton
- 19) Get Some Orem
- 20) Sportsman's Whse - Vernal
- 21) Impact Guns WVC
- 22) Beaver Sport & Pawn
- 23) Cal Ranch - Spanish Fork
- 24) Gun Vault LR Precision
- 25) Jiffy's - Roosevelt
- 26) Cal Ranch - West Jordan
- 27) Xtreme Pawn - West Jordan
- 28) Cal Ranch - Cedar City
- 29) Cal Ranch - St. George
- 30) Cal Ranch - Tooele
- 31) Stewart's Ace Hardware
- 32) Jorgensen's
- 33) Cal Ranch - American Fork
- 34) Cal Ranch - Vernal
- 35) Kent's Shooter Supply
- 36) Cal Ranch - Layton
- 37) Cal Ranch - Logan
- 38) Tooele Shooting Supply LLC
- 39) West Jordan Pawn
- 40) Cal Ranch - Farr West

Upcoming Enhancements

As we mentioned earlier, phase I of the New NICS is scheduled to be rolled out at the FBI in August 2015. Previously, the FBI shut down for maintenance from 11 pm to 6 am each night. This made it so anyone who wanted to run a check during these hours were not able to complete the transaction, even using our web based internet system. However, the new system will be 24/7 and 365 days of the year. This means if you are one of those night owls who likes to run a check between 11 pm and 6 am, you will be able to do it sometime in August 2015 (Approximately). The re-write of the Brady programs have been completed and we have been using them for about 8 months now and have weathered most of those early storms in training people on new systems. We hope the impact on you and your customers was not to great and that your service now and long into the future will be better enhanced and supported. We have a few enhancements we are still working on but they will have no impact to the dealers at this time.

Rules Placed into effect in 2015

R722. Criminal Investigations and Technical Services, Criminal Identification.

R722-380. Firearm Background Check Information

R722-380-1. Authority.

This rule is authorized by Subsection 76-10-526(11).

R722-380-2. Definitions.

(1) "Bureau" means the Utah Bureau of Criminal Identification within the Department of Public Safety established by Section 53-10-201.

(2) "Firearm dealer" means any firearm dealer who is licensed as defined in Utah Code Ann. § 76-10-501(7).

(3) "NFA firearm" means a National Firearms Act firearm defined in Title 26 Section 5845 of the United States Code.

R722-380-3. Inquiring into Denial of Firearm Purchase.

(1)(a) An individual who has been denied the purchase of a firearm by the bureau may inquire why he or she was

denied such a purchase by submitting a completed Request for Denial/Research Information form.

(b) The individual may have such denial information released to a third party by submitting a completed Third Party Release Form with a completed Request for Denial/Research Information form.

(2)(a) Within a reasonable time after receiving the completed request form, the Bureau shall release denial information regarding why the individual has been denied the purchase of a firearm, which shall be mailed, e-mailed, or faxed to the individual at the address, e-mail address, or fax number indicated on the request form.

R722-380-4. Law Enforcement Evidence Release.

(1)(a) A law enforcement agency seeking to obtain background clearance information from the bureau prior to releasing a firearm from custody must submit a completed Law Enforcement Evidence Release Form by mail or fax.

b) Upon receipt of a completed Law Enforcement Evidence Release Form, the bureau shall conduct a thorough background investigation to determine whether the individual, to whom the firearm will be released, meets the requirements to possess a firearm established under Utah Code Ann. § 76-10-503 and Title 18 Section 922 of the United State Code.

(c) Upon completion of the background investigation, the bureau shall notify the law enforcement agency by fax or telephone, at the number indicated on the release form, whether the individual, to whom the firearm will be released, may possess a firearm.

R722-380-5. Procedures on Background Checks for NFA Firearms.

(1)(a) An applicant seeking to transfer or register an NFA firearm according to Title 26 Chapter 53 of the United States Code must complete the Bureau of Alcohol, Tobacco, Firearms, and Explosives Application for Tax Paid Transfer and Registration of Firearm form and submit to a background check by the bureau as provided in Utah Code Ann. § 76-10-526.

(b) Upon receipt of a request from a firearm dealer to perform the background check, the bureau shall conduct a thorough background investigation as provided in Utah Code Ann. § 76-10-526.

(c) Once the background check is complete, the Bureau shall provide a transaction number to the firearm dealer.

(2) (a) After the transaction number has been provided by the bureau, the applicant must submit the Application for Tax Paid Transfer and Registration of Firearm to the Chief Law Enforcement Officer within 20 days in order to verify that a background check has been completed by the bureau.

(b) If the Application for Tax Paid Transfer and Registration of Firearm is not submitted to the Chief Law Enforcement Officer within 20 days after the transaction number has been provided, the individual must re-submit to a background check as provided in Section 76-10-503 to obtain a new transaction number from the bureau.

KEY: firearm purchase, firearm release, firearm denial
Date of Enactment or Last Substantive Amendment:
Authorizing, and Implemented or Interpreted Law: 53-10-201;
76-10-526(11); 76-10-526; 76-10-503; 76-10-501.

Also a new rule going into effect in 2015 will be the acceptable documents for Identification:

Verification of Identification.

(1) For purposes of a criminal history background check as established in Section 77-10-526, the only form of photo identification the bureau shall accept is a driver license or identification card that may be accessed through the issuing state's database and verified as a valid form of identification.