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**Errata Notice: This report has been updated to correct two errors: on page 8, the date was listed incorrectly in the first sentence as November 28, 2010. The correct date is December 13, 2011. On page 14 in Appendix Table F., the date listed in parentheses was incorrectly listed as December 13, 2010. The correct date is December 13, 2011.**

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## **Enforcement of the Brady Act, 2010**

Federal and state investigations and prosecutions of  
firearm applicants denied by a NICS check in 2010

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## **Enforcement of the Brady Act, 2010**

### **Abstract**

The Brady Handgun Violence Prevention Act (Brady Act) requires criminal history background checks by the Federal Bureau of Investigation (FBI) and state agencies on persons who attempt to purchase a firearm from a licensed dealer. In 2010, the FBI and state agencies denied a firearm to nearly 153,000 persons due to National Instant Criminal Background Check System (NICS) records of felonies, domestic violence offenses, and other prohibiting factors. *Enforcement of the Brady Act, 2010* reports on investigations and prosecutions of persons who were denied a firearm in 2010. The report describes how the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) screens denied-person cases and retrieves firearms that were obtained illegally. Statistics presented include charges most often filed against denied persons by United States Attorneys and results of prosecutions. Investigation statistics from two states are also presented. Key statistics are compared for the five-year period from 2006 to 2010. Statistical highlights are presented in the body of the report and complete details are included in an Appendix.

### **Disclaimer**

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## Background

**The Brady Act.** The Brady Handgun Violence Prevention Act (Brady Act) was enacted in 1993 to provide a method for blocking transfers of firearms to prohibited persons. From February 28, 1994 to November 30, 1998, the interim Brady provisions, 18 U.S.C. 922(s), required a Federal Firearms Licensee (FFL) to request a background check on a handgun applicant from the Chief Law Enforcement Officer (CLEO) of the jurisdiction where the licensee operated. A handgun could be transferred if a notice of denial was not transmitted to the FFL within five days by the CLEO.

**National Instant Criminal Background Check System.** Pursuant to the permanent provisions of the Brady Act, 18 U.S.C. 922(t), the NICS began operations on November 30, 1998. The NICS allows a licensee to contact the system by telephone or other electronic means for information, to be supplied immediately, on whether receipt of a firearm by a transferee would violate federal or state law. In addition to regulation of handgun sales, the permanent provisions mandate background checks on long gun purchasers and persons who redeem a pawned firearm. A licensee has the option of requesting a check on a person who attempts to pawn a firearm.

A NICS inquiry is not required if a transferee presents a state permit qualified by ATF as an alternative to the point-of-transfer check. Qualified permits allow a transferee to possess, acquire, or carry a firearm, and were issued not more than five years earlier by the state in which the transfer is to take place, after verification by an authorized government official that possession of a firearm by the transferee would not be a violation of law. A permit issued after November 30, 1998 qualifies as an alternative only if the information available to the state authority includes the NICS.

The NICS process begins when a licensee receives a completed Firearms Transaction Record (ATF Form 4473) and a government-issued photo identification from an applicant. Completion of a state disclosure form may also be required. Submitting false information in regard to a firearm transaction is illegal under federal law and many state statutes.

A licensee initiates a NICS check by contacting either the Federal Bureau of Investigation (FBI) or a point of contact (POC) agency designated by state government. The FBI and the POC agencies always check three major federal databases, the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Index. If the transferee is not a citizen of the United States, the NICS will query Bureau of Immigration and Customs Enforcement (ICE) records. A POC may check additional state records. A check may include contacting an agency that maintains a record that the FBI or POC cannot access directly.

After a search of available federal and state records, the checking agency responds with a notice to the licensee that the transfer may proceed, may not proceed, or is delayed

pending further review of the applicant's record. If further review of a record indicates that the transfer would not violate federal or state law, the checking agency notifies the licensee that the transfer may proceed. If the licensee does not receive a response within three business days, the transfer may proceed at the licensee's discretion. A person who is not allowed to proceed may appeal to the FBI or POC and submit information to correct the record on which the denial was based.

NICS checking agencies most often block the transfer of a firearm or a permit to a person whose records indicate a felony indictment or conviction, a fugitive warrant, unlawful drug use or addiction (within the prior year), a mental defective adjudication or an involuntary commitment to a mental institution, illegal or non-immigrant alien status, a domestic violence restraining order, or a misdemeanor domestic violence conviction. These and other prohibitors are stated in the Gun Control Act (GCA), 18 U.S.C. 922. A NICS denial may also be based on a state law prohibition.

**NICS Denials in 2010.** The FBI conducted over six million NICS transfer checks in 2010 and denied over 72,000 applications, a denial rate of about 1%. The most common reason for denial by the FBI was a record of a felony indictment or conviction (over 47%), followed by fugitives from justice (19%), and state law prohibitions (about 11%) (Table 1). Other reasons included drug use or addiction (about 10%), domestic violence misdemeanor convictions (over 6%), and domestic violence restraining orders (over 4%) (Appendix table A).

**Table 1. Background checks by the FBI in 2010**

	Number	Percent
Applications for firearm transfer	6,037,394	
Denials / denial rate	72,659	1.2%
Most common denial reasons / percent of denials		
Felony indictment or conviction	34,459	47.4%
Fugitive	13,862	19.1%
State law prohibition	7,666	10.6%

## **ATF Investigations**

Denial data is electronically transmitted by the FBI on a daily basis to ATF's Denial Enforcement and NICS Intelligence (DENI) Branch (formerly Brady Operations Branch). Transactions denied by the FBI contain data on prohibited persons who unlawfully attempted to purchase a firearm. Some prohibited persons obtain a firearm during a "delayed transaction," where the FBI has not completed a check in three business days and the dealer is allowed to transfer the firearm. When the FBI finds a prohibitory record and is informed by the dealer that a transfer occurred, a "delayed denial" referral is made to ATF.

As a way to assist ATF investigations, the FBI NICS Section implemented a system enhancement that ranks a delayed denial transaction based on ATF categories applicable to the specific denial and separates the ranked delayed denials from the standard denials. (*NICS Operations 2005*, FBI CJIS Division, January 2006, [http://www.fbi.gov/about-us/cjis/nics/reports/2005-operations-report/ops\\_report\\_2005.pdf](http://www.fbi.gov/about-us/cjis/nics/reports/2005-operations-report/ops_report_2005.pdf)).

In addition, the DENI Branch queries the daily NICS referrals to identify collateral (pre-pawn) checks where a person who attempted to pawn a firearm was found to be prohibited. Research by the DENI Branch that covered October 2001 to November 2005 concluded that collateral checks have a denial rate of 3.3%, which is over two times greater than the overall FBI denial rate. The pawnbroker who requested the collateral check is contacted to find out if the denied person left the pawnshop with the firearm. If the denied person still possesses the firearm, the referral is expedited in the same manner as a delayed denial. If the pawnbroker retained the firearm, the denial is processed as a standard denial.

The DENI Branch searches databases available to ATF for additional data on denied persons referred by the FBI. After an initial screening, denials are referred to the 19 ATF field divisions serviced by the DENI Branch (six other divisions' territories are only comprised of POC states). All delayed denials are required to be referred within 48 hours. Routinely, delayed denials are referred within 24 hours of receipt from the FBI. Referrals are made in accordance with criteria established for the federal judicial districts within each division's territory. ATF and United States Attorneys have developed referral criteria for all 94 judicial districts that reflect the types of cases most likely to merit prosecution. Cases involving restraining orders, domestic violence misdemeanors, non-immigrant aliens, violent felonies, warrants, and indictments are most often included in referral criteria.

The DENI Branch screened 76,142 NICS denials received from the FBI during 2010, and referred 4,732 denials (approximately 6%) within the established guidelines to field divisions. The referred cases were made up of 2,265 delayed denials (3% of all denials) and 2,467 standard denials (over 3%). The remaining denials (71,410, or nearly 94%) did not meet referral guidelines or were overturned or canceled. Overturns occurred after review by the DENI Branch or after the FBI received additional information. The FBI canceled a small number of denials in cases where a NICS check should not have been conducted. (Table 2.) Standard denials that are not being referred are reported weekly to the field divisions and made available in a database if further review is deemed necessary.

Denials that were caused by protective orders, felony convictions, and domestic violence misdemeanor convictions comprised nearly 76% of referrals to field divisions. (Table 2.) Somewhat less frequent were referrals involving persons who were an unlawful user of a controlled substance, under indictment or information, or a fugitive

from justice. The six most common reasons for referral accounted for about 98% of the cases. (Appendix table B.)

**Table 2. NICS denials by FBI referred to ATF field divisions in 2010**

	Cases	Percent
FBI denials referred to ATF DENI Branch	76,142	100.0%
DENI Branch referrals to ATF field divisions	4,732	6.2%
Delayed denials	2,265	3.0%
Standard denials	2,467	3.2%
Not referred to field, overturned, or canceled	71,410	93.8%
Most common reasons for referrals to field		
Subject to protective order	1,395	29.5%
Convicted felon	1,144	24.2%
Domestic violence misdemeanor	1,049	22.2%

A NICS coordinator in each ATF division receives and distributes referrals to the appropriate field office. A state point of contact may also refer denials to the nearest field office. Special agents at the field offices verify conviction and prohibition information and conduct additional investigations. The FBI is notified if ATF determines that a person should not have been denied.

In a delayed denial case, the agent contacts the firearm purchaser and seizes or takes an abandonment of the firearm or coordinates a transfer of the firearm to a licensed dealer or to a third party who is not a prohibited person. In POC states, a retrieval may be handled by local law enforcement, a statewide firearms unit, or ATF. In addition to the delayed denials, a small number of 2010 standard denials potentially involved unlawful firearm possession. Field offices investigated a total of 1,923 unlawful possession cases that began in 2010. A retrieval of a firearm (or firearms) from a prohibited person by field agents occurred in 1,164 (about 61%) of the cases. The subject of the investigation was cleared in 509 cases (approximately 27%). About 93% of the cases had been resolved by December 13, 2010, with the subject missing in nearly 7% of the cases. (Table 3.)

**Table 3. Outcomes of 2010 unlawful possession cases**

	Cases	Percent
Total	1,923	100.0%
Retrieval of a firearm (or firearms)	1,164	60.5%
Subject not prohibited	509	26.5%
Unable to locate subject	128	6.7%
Other outcomes	122	6.3%

The 1,164 retrieval cases reached the following resolutions: transfers to non-prohibited third parties - 577 (30% of total cases); returns to firearms dealers - 505 (about 26%); seizures by ATF - 47 (over 2%); and abandonments by transferees - 35 (nearly 2%). These cases resulted in retrieval of 1,181 firearms. (Appendix table C.) Charges were

referred for prosecution in 11 cases where ATF retrieved a firearm and in two cases that were given to local law enforcement.

### Prosecutions by U.S. Attorneys

When an investigation is complete, the field office and the U.S. Attorney decide whether the case merits prosecution. A case that is not deemed appropriate for federal prosecution may be referred to a state prosecutor. If the U.S. Attorney decides to prosecute, an arrest is made or a warrant is issued.

Field offices declined to refer 4,184 cases for prosecution. The most common reasons for declinations were no prosecutive merit (1,661 cases or almost 40%), federal or state guidelines were not met (1,092 cases or 26%), and subjects found to not be prohibited (480 cases or about 12%). (Table 4). Other reasons for declination by a field office included closure by a supervisor (457 or 11%) and no potential or unfounded (396 cases or about 10%). (Appendix table D.)

**Table 4. 2010 cases declined by ATF field offices**

	Cases	Percent
Total	4,184	100.0%
Most common reasons for declination		
No prosecutive merit	1,661	39.7%
Federal or state guidelines not met	1,092	26.1%
Not a prohibited person	480	11.5%

A total of 62 charges from the 2010 cases were referred by field offices for consideration by prosecutors. The most common charge referred was submitting falsified information when buying firearms, which accounted for 22 charges and 36% of all charges. The second and third most common charges were possession of a firearm by a convicted felon (11 charges or approximately 18%) and possession of a firearm after a domestic abuse charge (7 charges or about 11%). (Table 5.)

**Table 5. Charges referred for prosecution, 2010**

Charge definition	Charges	Percent
Total	62	100.0%
Falsified information when buying firearms	22	35.5%
Possession of firearm by convicted felon	11	17.7%
Possess firearm after domestic abuse charge	7	11.3%
Receive/ship/transport firearm after indictment	5	8.1%
Other charges	17	27.4%

Subsections of the Gun Control Act, 18 U.S.C. 922, were the basis for 49 charges (approximately 79% of all charges). The 2010 cases produced charges referred for prosecution against 33 persons, 25 from delayed denials and 8 from standard denials. (Appendix table E.)

Of the 62 charges referred from the 2010 cases, 18 (29%) had been declined by a prosecutor as of December 13, 2011. A guilty plea was obtained on 13 charges (about 21%) and 10 charges (about 16%) were dismissed as part of a plea agreement. Twelve charges (approximately 19%) were still pending action by a prosecutor as of December 13, 2011. (Table 6.) In addition, five charges (8%) were dismissed prior to or after an indictment (Appendix table F).

**Table 6. Status of 2010 charges referred for prosecution**

Judicial status	Charges <sup>a</sup>	Percent
Total	62	100.0%
Selected outcomes:		
Declined by prosecutor	18	29.0%
Guilty plea by defendant	13	21.0%
Pending action by prosecutor	12	19.4%
Dismissed per plea agreement	10	16.1%

<sup>a</sup>As of December 13, 2011

Of the 13 charges that resulted in a guilty plea, six (about 46%) were for possession of a firearm by a convicted felon and two (over 15%) were for receiving, shipping, or transporting a firearm after an indictment (Table 7). State offenses accounted for three of the charges and the remainder were federal charges. Ten charges in the guilty pleas (nearly 77%) were based on subsections of the Gun Control Act. Of the 13 defendants who pled guilty, 11 were from delayed denial cases and two were from standard denial cases. (Appendix table G.)

**Table 7. 2010 charges that resulted in guilty pleas**

Charge definition	Charges	Percent
Total	13	100.0%
Possession of firearm by convicted felon	6	46.2%
Receive/ship/transport firearm after indictment	2	15.4%
Other charges	5	38.4%

## Federal Judicial District Summary

The District of Arizona had the highest number of unlawful possession investigations from the 2010 cases (154), followed by the Southern District of Texas (86). The District of Arizona had the most field office declinations (240), followed by the Eastern District of Kentucky (192). The highest number of charges referred for prosecution was in the Northern District of Indiana (12), which also had the most charges that resulted in a guilty plea (5). (Appendix table H.)

## Comparisons With Prior Years, 2006-2010

Data on enforcement of the Brady Act is available for the five-year period from 2006 to 2010. Selected statistics from each year's cases are summarized in Appendix table I. FBI referrals of NICS denials to the DENI Branch decreased about 1%, from 77,233 in 2006 to 76,142 in 2010. The DENI Branch's referrals to ATF field divisions decreased nearly 50%, from 9,432 for 2006 to 4,732 for 2010. Unlawful possession investigations decreased by 26% from 2006 to 2010 and investigations that resulted in a firearm retrieval decreased by over 21%. The number of charges referred by field offices for prosecution fell by over 77%, from 273 for the 2006 cases to 62 for the 2010 cases. The number of charges that resulted in guilty pleas and verdicts fell by about 82%, from 73 for the 2006 cases to 13 for the 2010 cases. (Appendix table I). Citations to the prior years' reports are listed in the appendix table.

## State Investigations of Denied Persons, 2006-2010

As of December 31, 2010, 13 states maintained a full point of contact for the NICS and conducted background checks on all persons who applied to purchase a firearm from a licensed dealer. Eight states maintained a partial NICS point of contact and conducted checks on all persons who applied to purchase a handgun from a dealer (the FBI checked long gun purchasers in these states). See *Background Checks for Firearm Transfers, 2010* (publication pending). In addition, six states require an applicant for a purchase or a purchase permit to undergo a background check that does not access the NICS Index.

When a denied person is suspected of violating federal law, most state point-of-contact agencies refer the case to the nearest ATF field office. States differ as to how potential state law violations are investigated. In some states, the checking agency immediately notifies the police or sheriff's department that has jurisdiction over a denied person's residence or the gun shop where the transaction occurred. The local agency is then responsible for investigation and prosecution of the case. Other states have a unit with statewide jurisdiction that screens cases before deciding whether a referral should be made to a state police troop or local law enforcement. Data on denied person investigations from two states is available for the five-year period from 2006 to 2010.

**Pennsylvania.** The Pennsylvania State Police (PSP) Firearms Division is a NICS point of contact and conducts background checks on prospective firearm purchasers. PSP denials that involve federal prohibitions are referred to ATF. Cases with potential state law violations may be referred to PSP troops or local law enforcement. PSP denied 10,596 firearm transfers in 2010, an increase of almost 11% from the 9,535 denials issued in 2006. Denials referred for investigation increased about 55%, from 285 in 2006 to 441 in 2010. Apprehensions of wanted persons decreased from 119 in 2006 to 114 in 2010 (about 4%) and reported arrests increased from 194 in 2006 to 205 in

2010 (about 6%). Convictions of denied persons decreased by over 25%, from 173 in 2006 to 129 in 2010. (Appendix table J.)

**Virginia.** The Virginia State Police (VSP) Firearms Transaction Center is a NICS point of contact and conducts background checks on prospective firearm purchasers. VSP reports denied persons with federal prohibitors to ATF. Potential state law violations are reviewed by VSP Troopers, who consult with Commonwealth Attorneys as part of their investigative process. VSP denied 2,999 firearm transfers in 2010, a 26% increase from the 2,380 denials issued in 2006. Denials referred for investigation decreased by approximately 6%, from 1,005 in 2006 to 942 in 2010. The number of reported arrests increased by about 16%, from 727 in 2006 to 846 in 2010. In addition, VSP investigations led to the apprehension of 65 wanted persons and the retrieval of 6 firearms from prohibited persons in 2010. (Appendix table K.)

## **Methodology**

The DENI Branch provided the Regional Justice Information Service (REJIS) with statistics on denied person cases received from the FBI's NICS Section and referred to ATF field offices after screening. The National Field Office Case Information System (NFOCIS) unit provided REJIS with records from ATF's case management system (NForce) on field office and U.S. Attorney processing. The records reflect activity up to December 13, 2011. Court decisions are included in the records but sentencing information was not available.

No personal identifiers were included in the records. Cases or charges could only be distinguished by NICS numbers. NICS numbers for the 2011 cases were compared to those for the 2010 cases and a small number of duplicate entries were deleted. In calculating the number of persons referred for prosecution and the number of persons convicted, it was assumed that each separate NICS number represented one person. However, it is possible that a person could have more than one NICS number.

## **Additional Contributors**

Scott Stargel, ATF  
Provided case management data

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Reviewed the report

## Appendix

**Table A. Background checks on firearm applicants processed by the FBI in 2010**

	FBI / NICS <sup>a</sup>	
	Number	Percent
Applications	6,037,394	
Denials / Denial rate	72,659	1.2%
Appeals / Appeal rate	16,513	22.7%
Appeals reversed / Reversal rate	3,491	21.1%
Reasons for denials:		
Felony indictment/conviction	34,459	47.4%
State law prohibition	7,666	10.6%
Domestic violence		
Misdemeanor conviction	4,475	6.2%
Restraining order	3,107	4.3%
Fugitive	13,862	19.1%
Illegal or non-immigrant alien	576	0.8%
Mental illness or disability	1,292	1.8%
Drug use or addiction	6,971	9.6%
Other prohibitions <sup>b</sup>	251	0.3%

-- Not applicable

<sup>a</sup>Firearm transfer transactions reported by the FBI NICS Section.

<sup>b</sup>Includes juveniles, persons dishonorably discharged from the Armed Services, persons who have renounced their U. S. citizenship, and other unspecified persons.

**Table B. NICS denials by FBI referred to ATF field divisions in 2010**

	Cases	Percent
FBI denials referred to ATF DENI Branch	76,142	100.0%
DENI Branch referrals to ATF field divisions		
Total referred to field	4,732	6.2%
Delayed denials	2,265	3.0%
Standard denials	2,467	3.2%
Not referred to field	68,209	89.6%
Not referred and overturned	3,163	4.2%
Canceled	38	---
Reasons for referrals to ATF field divisions		
Subject to protective order	1,395	29.5%
Convicted felon	1,144	24.2%
Domestic violence misdemeanor	1,049	22.2%
Unlawful user of controlled substance	411	8.7%
Under indictment or information	344	7.3%
Fugitive from justice	286	6.0%
Adjudicated mentally defective	46	1.0%
Illegal or unlawful alien	36	0.8%
Other reasons <sup>a</sup>	21	0.4%

Note: Totals may not sum to 100% due to rounding.

<sup>a</sup>The category "other reasons" is compiled from four other prohibiting categories utilized by the DENI Branch to refer denials for field investigation.

**Table C. 2010 NICS denial cases involving unlawful firearm possession**

Outcome of ATF investigation	Delayed	Standard	All Cases	Percent
Total	1,858	65	1,923	100.0%
Retrieval of a firearm <sup>a</sup> by:				
Transfer to third party	573	4	577	30.0%
Return to firearms dealer	503	2	505	26.3%
Seizure by ATF	46	1	47	2.4%
Abandonment by transferee	35	0	35	1.8%
	1,157	7	1,164	60.5%
Subject not prohibited	498	11	509	26.5%
Unable to locate subject	128	0	128	6.7%
Firearm not transferred	43	46	89	4.6%
Given to local law enforcement	20	0	20	1.0%
Referred to other agency	12	1	13	0.7%

<sup>a</sup>A total of 1,181 firearms were retrieved by ATF, 1,174 from delayed denial cases and seven from standard denials cases.

**Table D. 2010 NICS denial cases declined by ATF field offices**

Reason for case declination	Delayed	Standard	All cases	Percent
Total	2,063	2,121	4,184	100.0%
No prosecutive merit	748	913	1,661	39.7%
Federal or State guidelines not met	527	565	1,092	26.1%
Not a prohibited person	409	71	480	11.5%
Closed by supervisor	210	247	457	10.9%
No potential or unfounded	159	237	396	9.5%
Referred to another agency	6	85	91	2.2%
Assisted prosecution	4	3	7	0.2%

Note: The number of cases declined is obtained from NForce. On occasion, a field office will close a case initially transferred from the DENI Branch and open the case under a different number; therefore the number of prosecuted cases may seem low compared to the number of cases referred to the field.

**Table E. Charges in 2010 NICS denial cases referred for prosecution**

18 USC 922 Subsection	Charge definition	Delayed	Standard	All charges <sup>a</sup>	Percent
	Total <sup>b</sup>	49	13	62	100.0%
(a)(6)	Falsified information when buying firearms	15	7	22	35.5%
(g)(1)	Possession of firearm by convicted felon	8	3	11	17.7%
(g)(9)	Possession of firearm after domestic abuse charge	7	0	7	11.3%
(n)	Receive/ship/transport firearm after indictment	5	0	5	8.1%
(g)(3)	Possession of firearm by drug user	2	0	2	3.2%
(g)(8)	Possession of firearm while under restraining order	0	1	1	1.6%
Other		1	0	1	1.6%
	Total 18 USC 922	38	11	49	79.0%
	Other statutes <sup>c</sup>	11	2	13	21.0%

<sup>a</sup>Charges were referred against 33 persons, 25 from delayed denials and eight from standard denials.

<sup>b</sup>Seven charges were for State offenses; the remainder were Federal charges.

<sup>c</sup>Includes five charges for causing a firearms dealer to falsify records, 18 USC 924(a)(1)(A), one charge for making a false statement, 18 USC 1001, two state narcotics charges, and five charges based on unspecified state statutes.

**Table F. Judicial status of charges in 2010 NICS denial cases referred for prosecution**

Judicial status (as of December 13, 2011)	Delayed	Standard	All charges	Percent
Total	49	13	62	100.0%
Declined by prosecutor	13	5	18	29.0%
Guilty plea by defendant	11	2	13	21.0%
Pending action by prosecutor	12	0	12	19.4%
Dismissed per plea agreement	9	1	10	16.1%
Complaint filed	2	2	4	6.5%
Dismissed prior to indictment	2	1	3	4.8%
Dismissed after indictment	0	2	2	3.2%

**Table G. Charges in guilty pleas and verdicts, 2010 NICS denial cases**

18 USC 922 Subsection	Charge definition	Delayed	Standard	All charges <sup>a</sup>	Percent
	Total <sup>b</sup>	11	2	13	100.0%
(g)(1)	Possession of firearm by convicted felon	4	2	6	46.2%
(n)	Receive/ship/transport firearm after indictment	2	0	2	15.4%
(a)(6)	Falsified information when buying firearms	1	0	1	7.7%
(g)(3)	Possession of firearm by drug user	1	0	1	7.7%
	Total 18 USC 922	8	2	10	76.9%
	Other statutes	3	0	3	23.1%

<sup>a</sup>13 defendants pled guilty, 11 from delayed denials and two from standard denials.

<sup>b</sup>Three charges were for State offenses; the remainder were Federal charges.

**Table H. Federal judicial district summary, 2010 NICS denial cases**

Districts with the most unlawful possession cases

Arizona	154
Texas Southern	86
Georgia Northern	81
Missouri Western	80
Kansas	79

Districts with the most case declinations

Arizona	240
Kentucky Eastern	192
Kentucky Western	161
South Carolina	158
Missouri Western	152

Districts with the most charges referred for prosecution

Indiana Northern	12
Arizona	6
Indiana Southern	6
Georgia Middle	5
New York Northern	5

Districts with the most charges that resulted in a guilty plea

Indiana Northern	5
Indiana Southern	3
Arkansas Eastern	1
Georgia Middle	1
Kentucky Western	1
New York Northern	1
South Dakota	1

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**Table I. Selected statistics on NICS denial cases, 2006-2010**

	Number of Cases					Change
	2010	2009 <sup>a</sup>	2008 <sup>b</sup>	2007 <sup>c</sup>	2006 <sup>d</sup>	2006-2010
FBI denials referred to DENI Branch	76,142	71,010	78,906	73,992	77,233	-1.4%
DENI referrals to ATF field divisions	4,732	4,681	5,573	6,275	9,432	-49.8%
Unlawful possession investigations	1,923	2,063	2,154	2,212	2,600	-26.0%
Investigations with firearm retrieved	1,164	1,256	1,218	1,258	1,480	-21.4%
Field office declinations	4,184	4,726	6,086	6,072	9,410	-55.5%
	Number of Charges					Change
	2010	2009	2008	2007	2006	2006-2010
Referred for prosecution	62	140	147	196	273	-77.3%
Declined by prosecutor <sup>e</sup>	18	63	42	74	99	-81.8%
Guilty plea or verdict <sup>e</sup>	13	32	43	48	73	-82.2%

<sup>a</sup>*Enforcement of the Brady Act, 2009*, (NCJ No. 234173, April 2011), <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=256112>

<sup>b</sup>*Enforcement of the Brady Act, 2008*, (NCJ No. 231052, June 2010), <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=253101>

<sup>c</sup>*Enforcement of the Brady Act, 2007*, (NCJ No. 227604, July 2009), <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=249609>

<sup>d</sup>*Enforcement of the Brady Act, 2006*, (NCJ No. 222474, April 2008), <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=244375>

<sup>e</sup>Counts for each year may be undercounted because some cases were pending action by a prosecutor or a court on the date that data was extracted from ATF records (see yearly reports for details). Results of the pending cases are not available for any year.

**Table J. Investigations of Pennsylvania POC Denial Cases, 2006-2010**

	2010	2009	2008	2007	2006	Change 2006-2010
Total denials	10,596	9,449	10,823	7,420	9,535	11.1%
Referred for investigation	441	328	504	440	285	54.7%
State police troops	382	222	294	300	175	118.3%
Local police departments <sup>a</sup>	59	96	90	139	102	-42.2%
ATF field offices	0	10	120	1	8	-100.0%
Investigation outcomes						
Firearms retrieved	---	---	---	---	---	---
Wanted persons apprehended	114	114	112	124	119	-4.2%
Arrests reported	205	215	96	252	194	5.7%
Prosecutor declinations	78	74	41	76	100	-22.0%
Convictions	129	151	69	181	173	-25.4%

---Not applicable or not available

Source: Pennsylvania State Police, Firearms Annual Reports, 2006-2010,  
<http://www.portal.state.pa.us/portal/server.pt?open=512&objID=4451&&PageID=462425&level=2&css=L2&mode=2>

<sup>a</sup>Pennsylvania cases were initially referred to state police troops and further referred to local police departments.

**Table K. Investigations of Virginia POC Denial Cases, 2006-2010**

	2010	2009	2008	2007	2006	Change 2006-2010
Total denials	2,999	3,101	2,777	2,222	2,380	26.0%
Referred for investigation	942	1,286	891	935	1,005	-6.3%
State police troops	942	1,286	891	935	1,005	-6.3%
Local police departments <sup>c</sup>	---	---	---	---	---	---
ATF field offices	---	---	---	---	---	---
Investigation outcomes						
Firearms retrieved <sup>a</sup>	6	6	11	5	---	---
Wanted persons apprehended	65	74	77	75	---	---
Arrests reported	846	930	810	716	727	16.4%
Prosecutor declinations	---	---	---	---	---	---
Convictions	---	---	---	---	---	---

---Not applicable or not available

<sup>a</sup>Includes firearms retrieved by the state police or returned voluntarily by a prohibited person.

Source: Virginia State Police.