

California Department of Justice
 FIREARMS DIVISION
 Randy Rossi, Director

INFORMATION BULLETIN

Subject:

**IMPLEMENTATION OF FEDERAL REGULATION
 RELATING TO NON-U.S. CITIZENS**

No.:

2002-FD-01

Date: 02/26/02

For further information contact:

**Firearms Division
 (916) 227-3703**

TO: ALL CALIFORNIA FIREARMS DEALERS

On Thursday, February 14, 2002, the California Department of Justice (DOJ) was notified by the Federal Bureau of Investigation (FBI), National Instant Criminal Background Check System (NICS) authorities of a new federally mandated background check requirement impacting non-U.S. citizen prospective firearm purchasers. Specifically, this new mandate requires that all persons who are not citizens of the United States (U.S.) MUST provide an Immigration and Naturalization Service (INS) issued alien number or admission number to the dealer for a background check against the U.S. INS data base to verify the alien's legal status in the U.S. and to confirm the purchaser/transferee is eligible to purchase/possess firearms. If a non-U.S. citizen does not provide this number, a dealer cannot legally complete the sale of the firearm(s). This new mandate is included in emergency regulations published by the U.S. Department of Treasury in response to the September 11, 2001 terrorist attacks. The purpose of the regulations is to implement the statutory requirements of Title 18 USC 922(g)(5). Federal authorities also notified the California DOJ that they have already forwarded information concerning this new requirement to all California Federal Firearms Licensees (FFL) in conjunction with the implementation of their revised federal form 4473.

As you know, California has one of the most technically advanced, secure, and comprehensive background check systems in the nation and all dealer's firearms purchase/transfer transactions are electronically processed beginning at the dealers place of business. As such, you are accustomed to electronically interfacing with DOJ. Unfortunately, due to the short time frame for implementation neither state nor federal automated systems are prepared to handle this new requirement electronically. Consequently, the FBI NICS will conduct manual checks on non-U.S. citizens attempting to purchase/acquire a firearm until federal funding is available to facilitate the electronic interface with our systems.

Effective immediately, prior to selling/transferring a firearm to a non-U.S. citizen, California dealers must contact the NICS Operation Center at 1-877-444-6427 to initiate a check against INS files immediately after completing and submitting a California Dealer's Record of Sales (DROS) application. Upon contacting the NICS Operations Center, you will be prompted by the NICS representative to provide your five-character California Firearms Dealership (CFD) number. Please note, the NICS representative may refer to your CFD number as a State Identification (SID) number. You will be required to provide the purchaser's/transferee's name, date of birth, race, alien registration/admission number, the DROS number, and other pertinent information from the revised federal form 4473 for processing and hook-up purposes. The NICS representatives will complete the check and respond back to the California DOJ, not the dealership that initiated the call. In the event that the purchaser/transferee is prohibited, the California DOJ will contact the dealership within the ten-day waiting period to notify the dealer that the sale/transfer must be cancelled.

As previously indicated, this will be a temporary process until we obtain needed federal funding to implement the required enhancement to our automated system to support this change electronically via the DROS Entry System.

Should you have any questions regarding this temporary change in procedure, please contact the Firearms Division at (916) 227-3703. For specific questions relative to federal regulations, completing the form 4473, and/or Bureau of Alcohol Tobacco, and Firearms (ATF) procedures related to non-U.S. citizens firearm purchasers/transferees, please contact your local ATF office. You can find the nearest office listed in your white pages under U.S. Government Department of Treasury.

A handwritten signature in black ink, appearing to read "Randy Rossi", with a large, stylized flourish above the name.

RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General