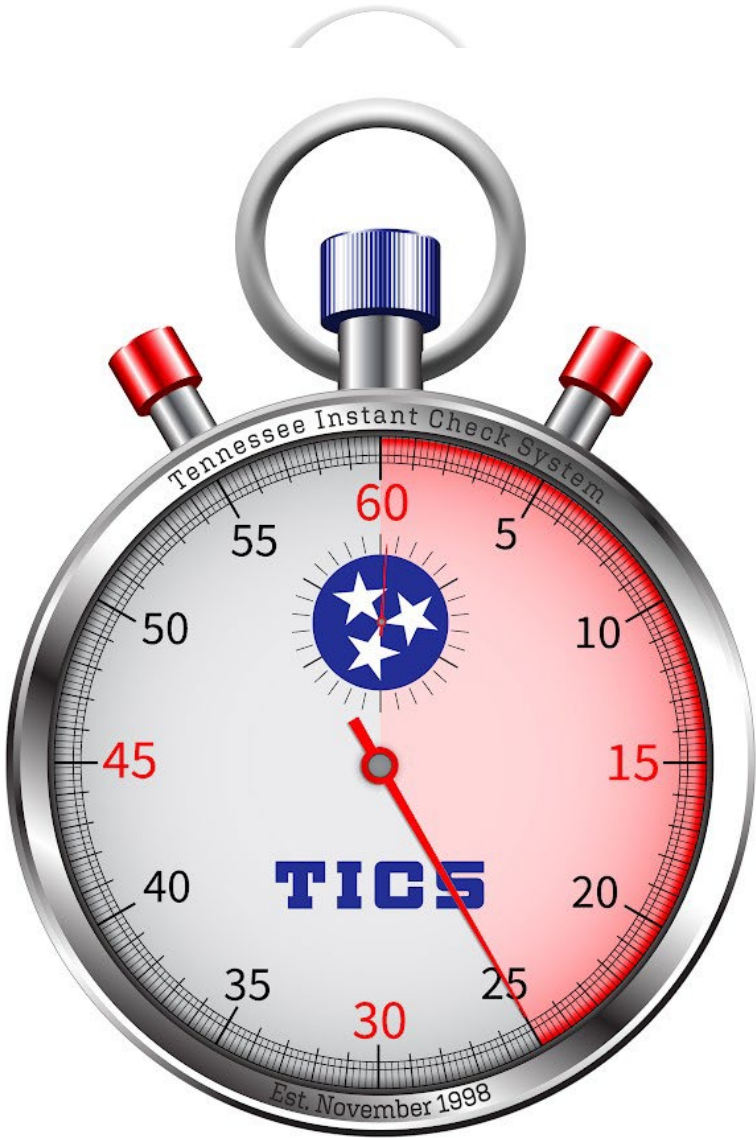


# TENNESSEE BUREAU OF INVESTIGATION GUIDELINES FOR FEDERAL FIREARMS LICENSEES



## TBI Guidelines for Federal Firearms Licensees

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## TBI Guidelines for Federal Firearms Licensees

### MESSAGE FROM TBI

This publication is intended to provide Tennessee Federal Firearms Licensees (FFLs) with guidance on the Tennessee Bureau of Investigation's implementation of the Tennessee Instant Check System ("TBI TICS").

**While TBI provides associated links to Federal or State Guidelines, it is incumbent upon the FFL dealer to make sure they are referencing the most recent information when making decisions.**

Federal law (see Brady Handgun Violence Prevention Act) requires that a background check be conducted before any firearms (handguns or long guns) can be lawfully transferred to a purchaser. This produced the National Instant Criminal Background Check System (NICS) which is administered by the Federal Bureau of Investigation at its Criminal Justice Complex in Clarksburg, West Virginia. The purpose of the check is to determine if transfer of the firearm would violate 18 United States code §922 (g) or (n) or State laws.

In 1998, the Tennessee General Assembly amended T.C. A. 39-17-1316, to make the TBI the point of contact (POC) for Tennessee firearms instant checks. The law created a new unit within TBI, called the **TBI Instant Check System (TBI TICS)**, and placed it under the Information Systems Division of the TBI. The Tennessee Instant Check Law became effective November 01, 1998. After that date, all transfers of firearms as defined in State and Federal laws require approval from the TBI TICS Unit.

TBI TICS is the point of contact for all approvals and denials on requests for transfer of firearms in the State of Tennessee. The purpose of the TBI TICS is to immediately allow or deny a firearm transfer based on information obtained from nationwide and in-state data sources as permissible and required under Federal and State law.

*It should be noted that **immediately does not mean instantaneously**, as computerized background checks rely on many different pieces of hardware, software programs/applications, internet connections and phone lines which must all be working together to provide speedy processing of background checks.*

It is the intention of the TBI to administer a program following Federal and State laws designed to keep firearms out of the hands of individuals legally prohibited from possessing them. TBI also intends to administer the program in such a way as to provide a quick, yet complete and comprehensive background check so that lawful purchasers are not caused undue delay.

The TBI TICS Unit works closely with all Tennessee FFL dealers to manage this program in a manner which will minimize any impact on their businesses while providing the most thorough background search possible to ensure persons not permitted to receive firearms under State and Federal law are identified and denied access to firearms.

Most questions can be answered by reading these guidelines and the attached legislation. Questions not answered in these guidelines can be addressed by contacting the TBI TICS Unit during the hours of 8:00 a.m. to 10:00 p.m. CST at (615) 744-4620 or by emailing [tbi.tics@tbi.tn.gov](mailto:tbi.tics@tbi.tn.gov).

## TBI Guidelines for Federal Firearms Licensees

### FEDERAL FIREARM LICENSE (FFL)

Issues relating to your federal firearm license (FFL) can be found in the ATF Federal Firearms Regulations reference Guide 2014 and for additional help with your licensing problems, contact the ATF's National Licensing Center in Martinsburg, WV:

#### **BATF & E FIREARM LICENSING CTR Bureau of ATF & E**

Federal Firearms Licensing Center  
244 Needy Rd.  
Martinsburg, WV 25405  
1-866 662-2750 (Customer Service)  
304 616-4600

**For renewals and new applications for a federal firearms license, the application and a fee must be sent to the following address:**

Bureau of ATF & E  
Attn: License Application & Renewal  
P.O. Box 409567  
Atlanta, GA 30384-9567

### MAINTAINING AN ACCOUNT WITH TBI TICS

FFL dealers wishing to maintain an account with TBI TICS for the purpose of complying with state and federal background check requirements on their firearm customers must:

- Provide TBI TICS with a legible copy of any new license, renewal of license or Letter of Authorization (LOA) from the ATF's Federal Firearms Licensing Center (FFLC). The license or LOA must be provided to TBI TICS before the last weekday on the day before the old license or LOA being maintained by TBI TICS is due to expire.
- If a renewed license or LOA is not provided within a timely manner as stated above, it will be necessary for the FFL to send TBI TICS a new **ACCOUNT INFORMATION FORM** along with the new license or LOA. A closed account cannot be reactivated without the information contained on the Account Information Form.
- Keep TBI TICS advised, via a new Account Information Form, of any changes of address, phone numbers, e-mail addresses, passwords and other information necessary for TBI TICS to keep accurate records. Failure to keep TBI TICS advised will result in the account being deactivated until such time as current information is provided on a new Account Information Form.
- Keep your account paid up with the **TBI's Fiscal Services Unit**. Failure to do so will result in deactivation of the account by the Fiscal Services Unit.

## TBI Guidelines for Federal Firearms Licensees

### BACKGROUND CHECK (TBI TICS/NICS CHECK) REQUIREMENTS

The following instructions must be followed precisely to ensure that firearm sales are properly conducted as required by law. The FFL must complete the following steps in order to conduct the background check on the potential firearm recipient:

- **All** FFLs must establish an account with the TBI TICS Unit for billing, communications, and return contact information purposes *prior to your first call*. This can be done in advance by submitting a completed TBI TICS Account Information Form with a legible copy of your Federal Firearms License via:

- fax to 615-744-4660
- email with information submitted as a PFD to: [tbi.tics@tbi.tn.gov](mailto:tbi.tics@tbi.tn.gov)
- mail to: Tennessee Bureau of Investigation

TBI TICS Unit  
901 R. S. Gass Blvd.  
Nashville, TN 37216-2639

- Each time your FFL is renewed by the ATF, a legible copy of your FFL and a new Account Information Form must be submitted to the TBI TICS Unit. The forms must be submitted **before** the expiration date on your license. The license and Account Information Form may be submitted via:

- fax to 615-744-4660
- email with information submitted as a PFD to: [tbi.tics@tbi.tn.gov](mailto:tbi.tics@tbi.tn.gov)
- mail to: Tennessee Bureau of Investigation

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## TBI Guidelines for Federal Firearms Licensees

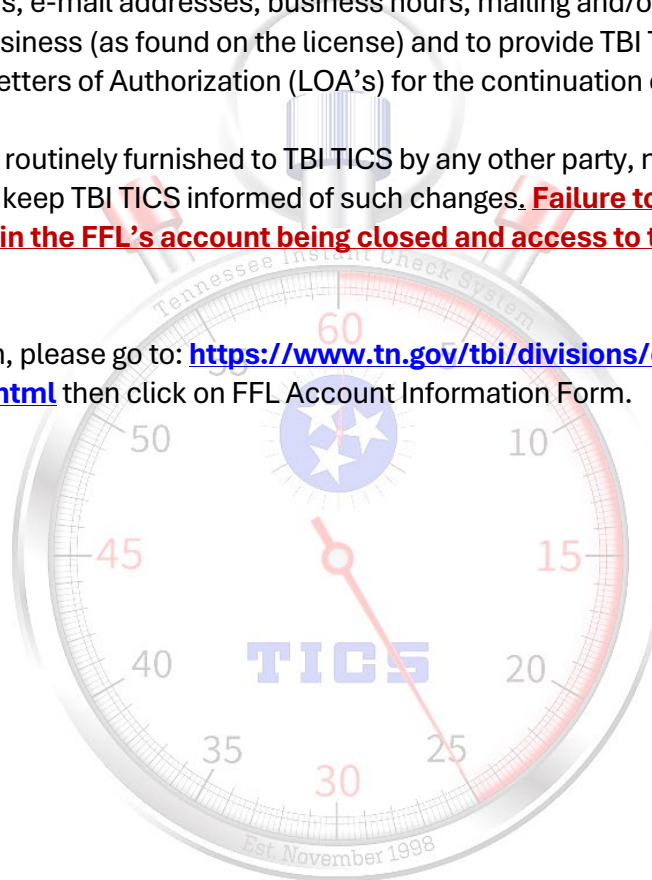
### ACCOUNT INFORMATION FORM

The **ACCOUNT INFORMATION FORM** is used to inform TBI TICS of the necessary information for the establishment and maintenance of an account with TBI TICS.

This form is to be completed by the FFL or his/her designee and sent to TBI TICS with a legible copy of the federal firearm license in order to register with TBI TICS and establish an account to do the required background checks through TBI TICS and NICS. It is the sole responsibility of the FFL to keep TBI TICS apprised of any changes in ownership, business premises location, telephone/fax numbers, e-mail addresses, business hours, mailing and/or billing addresses, official name of the business (as found on the license) and to provide TBI TICS with copies of renewed licenses or Letters of Authorization (LOA's) for the continuation of business.

This information is not routinely furnished to TBI TICS by any other party, nor is it the responsibility of any other agency to keep TBI TICS informed of such changes. **Failure to keep TBI TICS informed MAY result in the FFL's account being closed and access to the TBI TICS/NICS being denied.**

To access official form, please go to: <https://www.tn.gov/tbi/divisions/cjis-division/firearm-background-checks.html> then click on FFL Account Information Form.



TBI Guidelines for Federal Firearms Licensees

Tennessee Bureau of Investigation  
Instant Check System  
Dealer Account Information Form

Federal Firearms License Number: \_\_\_\_\_  
(Assignment of this number changes every three years. If your license expires, an entirely new number may be assigned by the ATF)

Password: \_\_\_\_\_  
(Minimum of 8 and maximum of 20 alpha, numeric, and symbol characters - NO profanity)

Name of Owner/Operator: \_\_\_\_\_

Business Name on License: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone Number: \_\_\_\_\_  
(Primary Number) (Secondary Number)

Business Fax Number: \_\_\_\_\_  
(Optional - Different from your phone number and on a direct line)

E-mail Address: \_\_\_\_\_

Billing Address: \_\_\_\_\_  
(If different from business address)

Business Hours: \_\_\_\_\_  
(TICS' hours of operation are: 8am-10pm, seven days per week)

Days Closed: \_\_\_\_\_  
(TICS is closed on July 4th, Thanksgiving and Christmas days only)

Holidays Closed: \_\_\_\_\_  
(TICS is closed on July 4th, Thanksgiving and Christmas days only)

**IMPORTANT: Attach a legible copy of your federal firearms license to this form to verify your eligibility to establish an account. All information should be typed or legibly printed in black ink. Illegible information will cause rejection of the form. NO E-Signatures will be accepted.**

Signature of Licensee \_\_\_\_\_ Date \_\_\_\_\_

## TBI Guidelines for Federal Firearms Licensees

### BILLING

FFLs that have requested TBI TICS services (background checks) receive an invoice for all transactions run during a month.

These invoices are emailed or mailed during the first week of the following month.

Business checks, money orders, or cashier's checks, made payable to the Tennessee Bureau of Investigation will be accepted as payment, along with credit card payments if individual FFL completes the Online Payment form and signs up for E-pay.

To make payments online thru E-pay– go to the TBI TICS Website, log into your account, go to the billing tab and then select continue with E-pay. Any account with an unpaid balance past due 45 days will be closed until payment has been received, preventing further TBI TICS checks and therefore any further firearm transfers.

**Effective September 7, 2015 - Once your account is disconnected, your account has to be paid in full in order to be reconnected. Due to the volume of disconnects each month, Fiscal will now only perform reconnects twice daily (once at 11 am CST and again at 3 pm CST). If payment is made after 3 pm CST of one day, then you will not be reconnected until 11 am CST the next business day.**

All payments received will be applied to the oldest outstanding invoice first and must be up to date. **THE FFL NUMBER MUST ACCOMPANY THE REMITTANCE** in some form, preferably in the appropriate memo space. Checks returned for any reason will be subject to a \$20.00 charge. The FFL number is used to identify your unique account number and ensure proper billing. All payments must be mailed to:

Tennessee Bureau of Investigation  
ATTN: Fiscal Services Unit  
901 R. S. Gass Blvd.  
Nashville, TN 37216-2639

All telephone inquiries regarding accounts in arrears should be addressed to the **TBI Fiscal Services Unit** at **(615) 744-4142** during normal unit operational hours of Monday-Friday 8:00am to 4:30pm.

Do not make account inquiries to TBI TICS because TBI TICS has no authority to reactivate your account if it has been deactivated for nonpayment of fees. **Do not send payments to the attention of TBI TICS.**

## TBI Guidelines for Federal Firearms Licensees

### BILLING STATEMENT

The billing statement will be sent out on a **Wednesday of the first full week** of the month and will be sent to the email on file with the TBI TICS Unit.

The bill can be viewed at: <https://tbibackgrounds.tbi.tn.gov/Tics/>

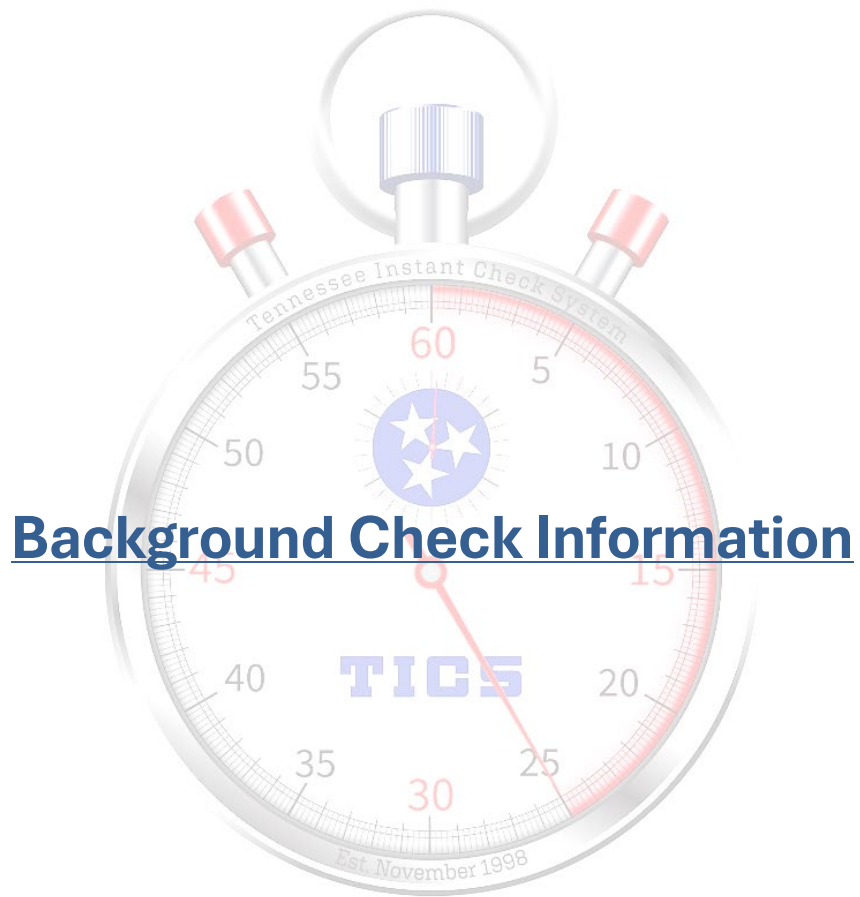
If you are **mailing the payment** in, please be sure to include the last five numbers of your FFL number on your check and mail to:

Tennessee Bureau of Investigation  
ATTN: Fiscal Services  
901 R.S. Gass Blvd  
Nashville, TN 37216

If you call your payment into Fiscal Services at **(615) 744-4142**, please note the office hours are Monday-Friday 8:00am to 4:30pm. If you call in and your call goes to the TBI Fiscal Services Unit voicemail, please leave a message and your call will be returned as soon as possible.

Please have your credit card (VISA, MasterCard, or Discover) ready so the payment can be processed in a timely manner. **There is NO FEE for using your credit card for payment of your invoice.**

**Please remember you can set up your account for on-line payments. If you are interested in setting up an online payment account, please let TBI Fiscal Services Unit know, and we can get you set up to make the payments.**



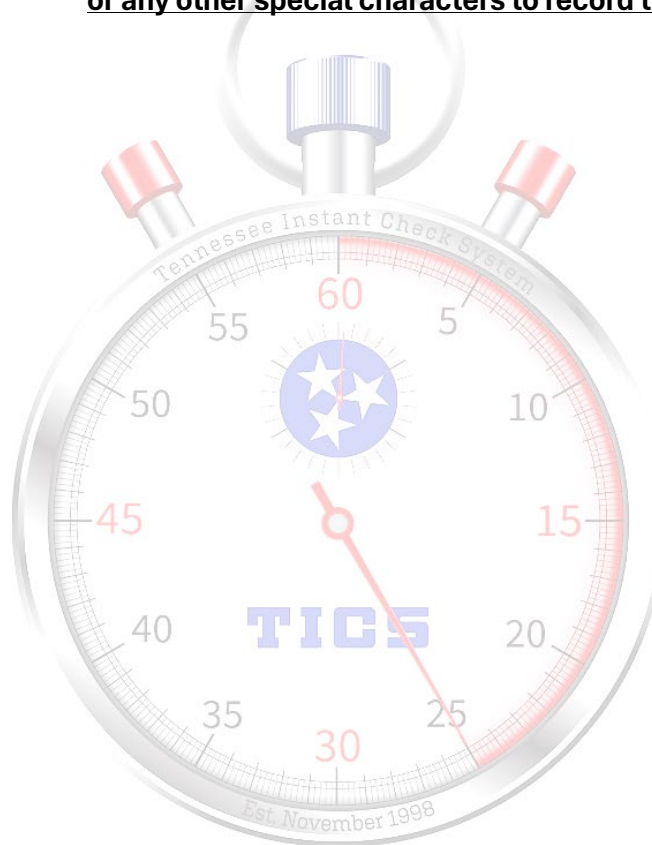
## TBI Guidelines for Federal Firearms Licensees

### TBI TICS/NICS CHECK BACKGROUND CHECK REQUIREMENTS

- Obtain identification from the potential recipient which meets all requirements of state and federal law, including:
  - One piece of current, valid identification bearing a photograph (even for those over the age of 60) and the date of birth of the purchaser that:
    - Is issued under the authority of the United States Government, a state, political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental organization or an international quasi-governmental organization; and
    - Is intended to be used for identification of an individual or is commonly accepted for the purpose of identification of an individual. If the identification presented by the purchaser does not include the current address of the purchaser, the purchaser shall present a second piece of current identification, which contains the current address of the purchaser. (See additional listing of acceptable ID documentation herein).
  - Complete and **REVIEW** ATF 4473 form and obtain the signature of the potential recipient on the form
  - Log on to the TBI TICS Web Access site <https://tbibackgrounds.tbi.tn.gov/TiCS/> or call 615-744-4620 or 1-877-GUN-CHEK (1-877-486-2435) and identify your business with the last 5 digits of your FFL number and your password. The phone number is for TBI TICS checks only and should not be given out to the public.
  - Provide the following Potential Recipient Information in the listed order:
    - **Name** – LAST, First and Middle (middle name is important)
    - **Race** – Black (B), American Indian or Alaskan Native, Asian or Pacific Islander(I), White (W) which includes Latin American and Hispanic, and Unknown (U)
    - **Sex** – Male (M) or Female (F)
    - **Date of Birth** – Month, day and year (MMDDYY)
    - **Place of Birth** – The state where potential recipient was born
    - **State of Residence** – The state where potential recipient currently lives
    - **Social Security Number** – The social security number is required by TCA 39 - 17-1316 but provision of the number by the potential recipient is voluntary. Use of this number will greatly decrease the chances that false-positive “hits” against same/similar names and dates of birth will be returned, resulting in a denial. It is in the interest of the potential recipient to supply this number. It is not retained by the TBI TICS Unit on approved transfers and is only used for identification purposes. For further information, see Federal Firearms Regulations Reference Guide - 2014 and TCA 39-17-1316 (c) (4)(G)
    - **Address** – This must be a complete street address. A Post Office Box or a Route/Box combination is not acceptable – the purchaser does not LIVE at a Post Office Box.

## TBI Guidelines for Federal Firearms Licensees

- **Identification** – Identify the type of identification given and any applicable ID numbers. (Example: Tennessee Drivers License – Drivers License Number)
- **Firearm Information**
  - Make – Example: Beretta, Browning, Colt, etc.
  - Model – Example: Single Six (Ruger), 66-2 (Smith & Wesson), etc.
  - Type – Example: Revolver, Single-Shot, Pump, Semi-Automatic, etc.
  - Caliber – Example: 38 Special, .357 (Magnum), 9 mm, etc.
  - **Serial Number – Please do not provide a manufacturer's inventory or shipping number from the box – obtain the serial number directly from the firearm. Do NOT use hyphens (dashes) or any other special characters to record the serial number.**



## TBI Guidelines for Federal Firearms Licensees

### HANDGUN CARRY PERMIT

The Brady Bill does not require a background check if the person possesses a valid handgun permit and the state permitting process meets certain requirements. Tennessee's Handgun "Carry" Permit does not meet the requirements of the federal Brady Bill because it lacks a requirement for an annual re-check of the permit holder's criminal history, and it does not require a check through the NICS.

The NICS databases contain additional prohibitors that would preclude anyone from being able to purchase/carry a firearm that are not found in criminal history databases. Therefore, purchasers holding a valid Tennessee Handgun "Carry" Permit are still required to have a TBI TICS background check performed when purchasing a firearm.

A Tennessee handgun "carry" permit may be used as a primary source of identification for a person attempting to purchase a firearm if, and only if, it contains the purchaser's photograph, date of birth and current address. For further information, call the TN Department of Safety, Handgun Permit Office at (615) 251-5330.

Handgun "carry" permits issued in other states are not valid for identification purposes when purchasing a handgun in Tennessee due to federal law prohibiting transfers of handguns to out-of-state purchasers. Out-of-state residents have only 30 days to surrender their out-of-state driver's license and obtain a Tennessee license, and only six months to surrender their out-of-state handgun carry permit.

The Brady Act requires the FFL to identify the purchaser by physically examining a valid government-issued identification document that contains the photograph of the holder. At the time of this examination, the FFL should ask the purchaser if the address shown on the proffered document is the current and correct address. If it is not, the purchaser must present a supplemental identification document that meets the above requirements.

The Brady Act definition of an "identification document" is as follows: "[A] document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals."

The ATF advises that identification documents containing an out-of-date residence address or a mailing address (such as a post office box) in lieu of a residence address, do not satisfy the requirements of the regulations implementing the Brady Act.

FFLs should be aware of this ruling and ask the purchaser if the residence address is current. If it is not, the FFL should require a supplemental identification document that bears the current residence address (not a P.O. Box).

## TBI Guidelines for Federal Firearms Licensees

### Examples of Acceptable Identification Documents

1. Tennessee driver's license (or any other states' driver's license bearing a current address, date of birth and photograph. (NOTE: out-of-state driver's license would not allow the purchase of a handgun). A Tennessee Handgun Carry Permit issued by TN Department of Safety is an acceptable alternative
2. Any ID card issued by federal, state or local government agencies or entities, provided it contains a photograph, current address and date of birth. (This would include Canadian or other foreign government issued driver's licenses).
3. School ID and voter registration cards (may not contain all required information but can supplement other ID).
4. U.S. Military ID card or draft record or military dependent's ID card (also includes a U.S. Coast Guard Merchant Mariner Card).
5. Native American tribal document
6. A U.S. passport or Certificate of U.S. Citizenship (INS Form N-560), Certificate of Naturalization (INS Form n-550 or N-570), Un-expired foreign passport with I-551 stamp, Alien Registration Receipt Card with photograph (INS Form I-151 or I-551), Un-expired Temporary Resident Card (INS Form I-688) Un-expired Employment Authorization Card (INS Form I-688A), Un-expired Re-entry Permit (INS Form I-327), Un-expired Refugee Travel Document (INS Form I-571) or Un-expired Employment Authorization Document issued by the INS Which Contains a photograph (INS Form I-688b). For further interpretation of the ATF ruling, contact the ATF regarding ATF Rule 2001- 5, signed December 31, 2001

Tennessee's Department of Safety now issues a 'CERTIFICATE FOR DRIVING' for certain persons. This "certificate" is NOT VALID FOR IDENTIFICATION and may not be accepted as the required identification for a firearm purchase or redemption from pawn. Acceptable identification for firearm purchases/pawn redemptions (both are "transactions") are well defined in federal law and ATF Rules. Expired driver licenses are not valid identification documents. Tennessee does not require a photograph on the driver license for persons of a certain age—those licenses cannot be used as the sole means of identification for a firearm transaction. Documentation that is acceptable for obtaining a Tennessee Handgun Carry Permit is not necessarily acceptable for the purpose of purchasing a gun.

## TBI Guidelines for Federal Firearms Licensees

### **RESIDENCY REQUIREMENTS (INCLUDING MILITARY PERSONNEL)**

“State of residence” is defined by regulation in 27 Code of Federal Regulations 178.11 as the State in which an individual regularly resides or maintains a home. Please see ATF Rule 80-21 in the “FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE” or contact your local ATF office for assistance with this issue. This rule holds that during the time a college student actually resides in a college dormitory or at an off-campus location they are considered residents of the State where the dormitory or off-campus home is located. During the time out-of-State college students actually reside in their home State they are considered residents of their home State.

If an individual is on active duty as a member of the Armed Forces, the individual’s State of Residence (SOR) is the State in which his or her permanent duty station is located. This status does not transfer to the spouse, significant other or children of a member of the Armed Forces. They must separately establish residency. The ATF has determined that military personnel whose orders or other military documentation show their permanent duty station to be Fort Campbell, Kentucky, may lawfully purchase handguns (as well as long guns) in the State of Tennessee and the State of Kentucky (assuming they pass the background check). This decision is based on the Gun Control Act 18 U.S.C. 921(b) in which military personnel are considered residents of the State in which their permanent duty station is located. Fort Campbell sits between Tennessee and Kentucky.

### **OUT-OF-STATE RESIDENTS**

Federal law prohibits the sale of handguns to individuals who are not residents of Tennessee by a Tennessee FFL dealer. Transfers of long guns to persons who currently live outside the State of Tennessee must be in compliance with the laws of Tennessee as well as the laws of the purchaser’s state of residence (SOR). It is the responsibility of the FFL dealer to comply with these requirements.

The ATF furnishes FFL dealers with a list of the firearm laws of each state.

Currently there is no way for an FFL dealer in Tennessee to call the Point of Contact (POC) in any other state or the FBI’s NICS and request a Brady Bill check on the purchaser for the purchaser’s SOR.

Some states prohibit their residents from purchasing long guns out of state. Tennessee FFL dealers should refer to the information provided by the ATF for guidance as to whether a long gun transfer to an out-of-state residence is permissible.

### **FEES**

A fee of \$10.00 will be charged for each background inquiry initiated, regardless of the final approval or denial disposition. The fee is non-refundable, and that should be made known to the potential purchaser before ATF form 4473 is completed. This fee will be charged to the FFL

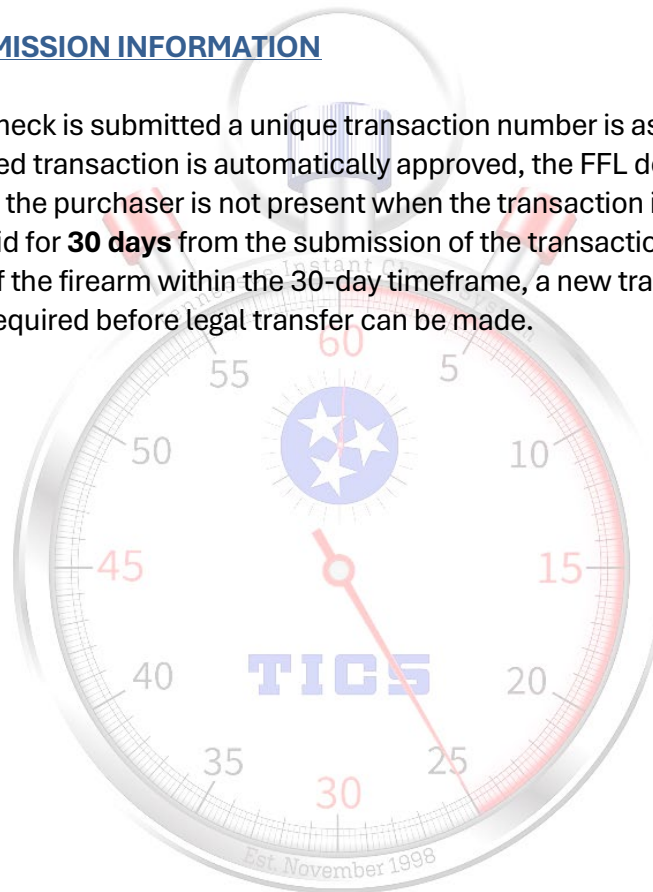
## TBI Guidelines for Federal Firearms Licensees

dealer's account and the account will be billed monthly. The TBI TICS Unit recommends that these fees be placed into a special account or fund to pay your account, in full, upon billing.

FFLs should advise their customers prior to the customer completing the ATF form 4473, that the \$10 fee for the TBI TICS/NICS check is due (to the FFL dealer) prior to the check being run. The purchaser should also be advised that the fee is non-refundable if the customer changes his/her mind once the TBI TICS/NICS check is started. Therefore, a purchaser who cancels his intent to purchase, should not be refunded any fee collected for the TBI TICS/NICS check—that fee is still payable to TBI for the service rendered.

### TRANSACTION SUBMISSION INFORMATION

When a background check is submitted a unique transaction number is assigned by the TBI TICS system. If the submitted transaction is automatically approved, the FFL dealer will receive a transaction number. If the purchaser is not present when the transaction is completed, the transaction will be valid for **30 days** from the submission of the transaction. If the purchaser does not take possession of the firearm within the 30-day timeframe, a new transaction with the corresponding fee is required before legal transfer can be made.



## TRANSACTION RESPONSES

FFLs will receive one of the following responses:

- **Approved**
- **Pending**
- **Denied**
- **Conditional Proceed**
- **Sustained Denial**

### **APPROVED**

An **APPROVED** status will be furnished to FFLs when background searches have been completed and no disqualifying information has been found.

If the transaction was taken over the phone, TBI TICS personnel will advise the FFL dealer of the **APPROVED** transaction number while on the call. If the FFL dealer submitted the purchase through Web Access system, an **APPROVED** transaction number will be sent to the FFL dealer account through their terminal/computer.

Upon receipt of the unique transaction number the FFL must place the transaction number in the correct field on ATF form 4473 and retain the form for a period of **not less than five years**. If the transaction was run on the Web Access system, it is recommended that the FFL print the response from TBI TICS and attach it to ATF form 4473.

### **PENDING**

A **PENDING** response indicates that automated responses to the TBI TICS/NICS inquiries have been delayed, **not allowing an approved or denied response**.

Causes for a delay could be hardware or software problems at either the State or Federal level, convictions needing review by TBI legal staff, or other reasons that will not allow a response within a reasonable time with the caller (FFL) on hold.

Transactions run on the Web Access System which go into pending process will have two responses:

- If the pending transaction is approved, an automatic **APPROVED** response will be sent through Web Access to the FFL's dealer's terminal once the transaction has been reviewed
- If the pending web transaction is denied, an automatic **DENIED** response will be sent through Web Access to the FFL's dealer's terminal once the transaction has been reviewed
- If the transaction was called in by the FFL dealer, a call back by TBI TICS personnel to the FFL dealer will be made and a transaction number will be provided. TBI TICS Unit personnel will make **at least three (3) attempts** to contact the FFL dealer by telephone

## TBI Guidelines for Federal Firearms Licensees

within the federally mandated three business daytime-frame for transaction's final disposition.

- Upon receipt of the denied transaction number the FFL dealer must record the transaction number on the ATF form 4473 in the appropriate field (box) and retain the record for a period of **not less than five years**.

### **DENIED**

Once background searches have been completed and sufficient information has been identified to determine that the transfer of the firearm would violate Federal or State law, the FFL **must terminate** the transfer of the firearm upon notification of a denied transfer by TBI TICS.

Upon receipt of the denied transaction number the FFL must record the transaction number on the ATF form 4473 in the appropriate field (box) and retain the record for a period of **not less than five years**.

If the transaction has been run by calling it into the TBI TICS Unit, the FFL dealer will be advised the transaction was **DENIED** and will be given a transaction number while on the line with the TBI TICS personnel.

If the transaction was called in but placed in a pending status then **DENIED**, TBI TICS personnel will notify the FFL of the response at the phone number listed for the FFL dealer.

TBI TICS Unit personnel will make at least three attempts to contact the FFL dealer by telephone within the federally mandated three business day timeframe for transaction final disposition. If contact cannot be made with the FFL dealer an email will be sent, or a voicemail will be left asking the dealer to contact TBI TICS. If the FFL is not contacted by the TBI TICS Unit within three business days, the FFL dealer should call the TBI TICS Unit.

A business day is described as 24 hours beginning at 12:01 a.m., excluding the day on which the transaction takes place, and excluding weekends and holidays.

If TBI TICS Unit personnel are unable to reach the FFL dealer with a decision, it is **within the FFL dealer's discretion** to transfer the firearm after the three business days have elapsed.

If any FFL dealer who transfers a firearm to anyone **after not having** received an approval status after the three (3) business days have expired, is taking the risk of transferring a firearm to a purchaser who might, in fact, be denied. In such cases, the ATF would be required to retrieve the firearm from the denied purchaser.

If the transaction has been placed in a pending status, attach a note stating "Pending Status by State" to the completed ATF 4473 form until a final disposition for the transaction is received.

If the transaction has been placed in a pending status and the transfer takes place on a later date, the recipient must re-sign and date ATF 4473 form at the actual time of the transfer.

## TBI Guidelines for Federal Firearms Licensees

If the transaction is denied, write **“FIREARM NOT DELIVERED”** on ATF form 4473 in the appropriate box.

**If a transaction is DENIED, the purchaser has the right to appeal the denial (See APPEALS OF DENIED FIREARMS TRANSFERS).**

The **Appeal of Denial of Attempted Firearm Transfer – Form BI-0165** is furnished free of charge to Tennessee FFL dealer by TBI/TBI TICS and should be made **IMMEDIATELY** available to the denied purchaser along with the transaction number.

Instructions for completing the form are printed on the reverse side of the form, along with the mailing address, fax number and email address for the TBI TICS Unit. The denied person should be informed by the FFL dealer that the form should be completed and sent to TBI TICS immediately and the FFL dealer may assist the purchaser by transmitting the fax to TBI TICS as a customer service.

### **CONDITIONAL PROCEED**

Upon receipt of the Appeal Form, the TBI TICS Unit will attempt to obtain final disposition information on the charge(s).

If TBI TICS Unit or the purchaser is unable to obtain a final disposition within **15 calendar days** of receipt of the appeal form, the TBI TICS Unit must advise the FFL dealer that the original “DENIED” decision is being changed to a **“CONDITIONAL PROCEED”**.

FFLs with an e-mail address will be sent an e-mail notification with an attached explanatory letter. The FFL dealer may lawfully, **at his/her discretion**, transfer the firearm.

Additionally, if at any point in the future, information is received by the TBI TICS Unit that indicates the transfer should be denied or approved, the TBI TICS Unit will call the FFL back and change the **“CONDITIONAL PROCEED”** status to “DENIED” or “APPROVED” status.

**If the purchaser is denied, the FFL dealer will be asked if the firearm was transferred. If the transfer was completed, the TBI TICS Unit will immediately notify the ATF that a denied person has taken possession of a firearm. It is the responsibility of the ATF to retrieve firearms from denied persons if the “DENIED” status was the result of a federal or state prohibitor being located.**

### **SUSTAINED DENIAL**

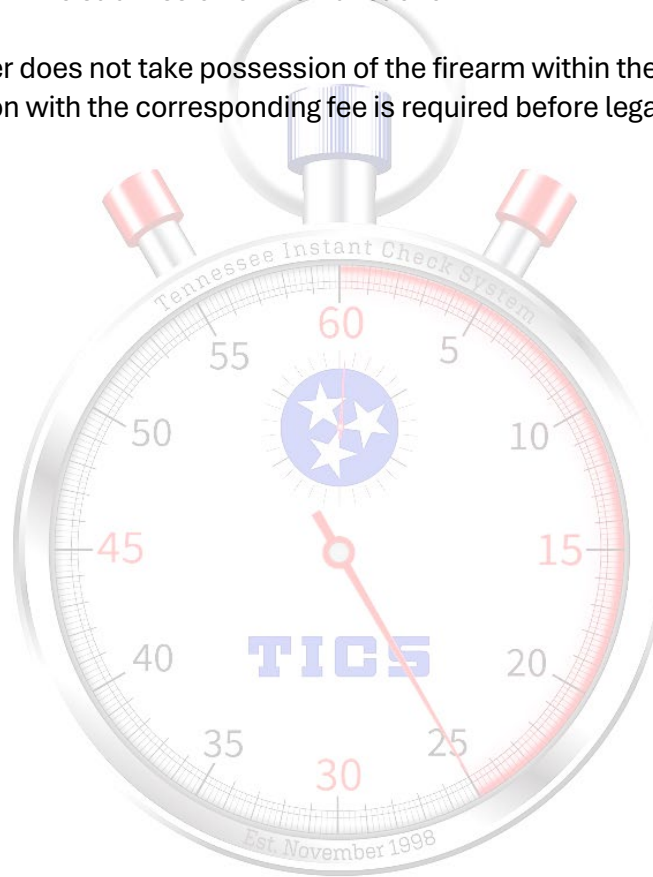
Upon receipt of the Appeal Form, the TBI TICS Unit will attempt to obtain final disposition information on the charge(s). If information obtained confirms the denial of the transaction, it will be placed in a **“SUSTAINED DENIAL”**. A letter will be sent to the purchaser explaining the decision.

## TBI Guidelines for Federal Firearms Licensees

### TRANSACTION SUBMISSION INFORMATION

When a background check is submitted a unique transaction number is assigned by the TBI TICS system:

- If the submitted transaction is automatically approved, the FFL dealer will receive a transaction number.
- If the submitted transaction needs further review, it will go into **pending** status. If the purchaser is not present when the transaction is completed, the transaction will be valid for **30 days** from the submission of the transaction.
- If the purchaser does not take possession of the firearm within the 30-day timeframe, a new transaction with the corresponding fee is required before legal transfer can be made.



## PURCHASERS UNDER 21 & FIREARMS TRANSACTIONS

Pursuant to BSCA, a firearm transfer to an individual under the age of 21 may take up to **10 business days** if TBI TICS obtains information that the purchaser possibly has a disqualifying juvenile record. The transaction will be approved or denied, prior to the completion of the **10 business days**, upon TBI TICS obtaining the necessary information to complete the transaction. If TBI TICS has not received the necessary information after the 10th business day, the FFL dealer may transfer the firearm to the purchaser.

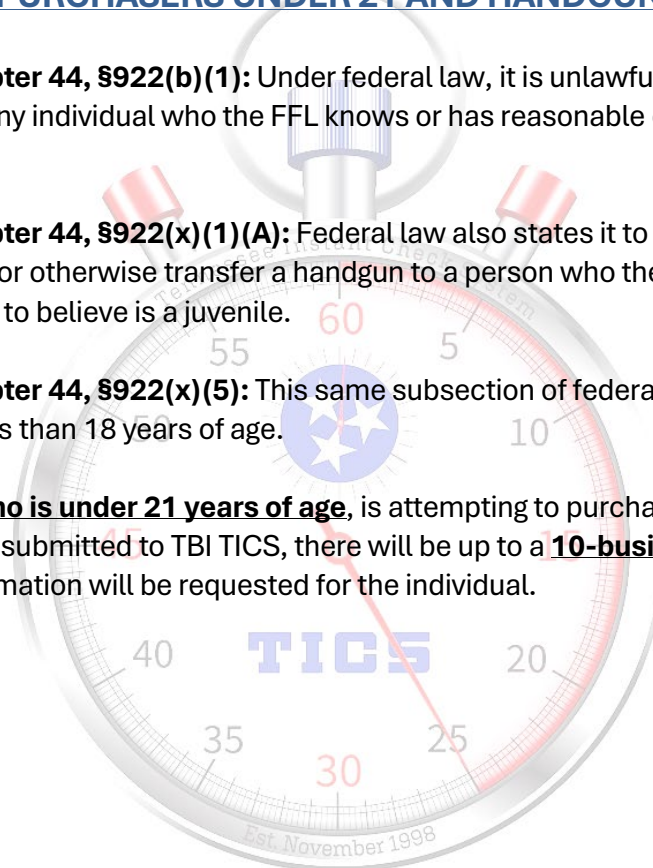
## PURCHASERS UNDER 21 AND HANDGUNS

**Title 18, U.S.C., Chapter 44, §922(b)(1):** Under federal law, it is unlawful for an FFL to sell or deliver a handgun to any individual who the FFL knows or has reasonable cause to believe is less than 21 years of age.

**Title 18, U.S.C., Chapter 44, §922(x)(1)(A):** Federal law also states it to be unlawful for a person to sell, deliver or otherwise transfer a handgun to a person who the transferor knows or has reasonable cause to believe is a juvenile.

**Title 18, U.S.C., Chapter 44, §922(x)(5):** This same subsection of federal law defines “juvenile” as a person who is less than 18 years of age.

When a purchaser, **who is under 21 years of age**, is attempting to purchase a shotgun/long gun and the information is submitted to TBI TICS, there will be up to a **10-business day** period in which additional information will be requested for the individual.



## TBI Guidelines for Federal Firearms Licensees

### APPEALS OF DENIED FIREARM TRANSFERS

Persons who are denied a firearm transfer should be given an **Appeal of Denial of Attempted Firearm Transfer - Form BI-0165** by the FFL dealer and furnished with the transaction number for the denied transfer.

The Appeal of Denial form is available to download and/or print from the TBI website at: <https://www.tn.gov/tbi/divisions/cjis-division/firearm-background-checks.html>

The “DENIED” purchaser must complete the form, **including the Transaction Number**, to initiate an Appeal of Denial.

The FFL dealer may transmit a completed appeal form to TBI TICS via fax for his/her customer but is not required to do so. The submission of the appeal form is the **sole responsibility** of the denied person.

The denied persons should be advised by the FFL to promptly file the appeal and have **30 days** in which to submit the written appeal form. After 30 days, the denied person will need to go through the purchasing process again.

Once TBI TICS receives the appeal form, a **15-calendar day** “clock” begins running.

After receiving the appeal form, TBI TICS will research the denial and seek missing information or clarification from the arresting agency, clerks of court, judges and prosecuting attorneys. If the information being sought by TBI TICS is not forthcoming or obtainable at the end of the 15-calendar days, the transaction must be placed into “**CONDITIONAL PROCEED**” status.

**Do not refer the “Denied” purchaser to the TBI TICS Unit telephone number for immediate information on the reason for the denial. Denials will NOT be discussed unless, and until, form BI-0165 (Appeals Form) has been received by the TBI TICS Unit.**

TBI Guidelines for Federal Firearms Licensees

**APPEAL OF DENIAL - EXAMPLE**

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TENNESSEE BUREAU of INVESTIGATION  
APPEAL OF DENIAL OF ATTEMPTED FIREARM TRANSFER  
Tennessee Only

Dealer Name & FFL#: \_\_\_\_\_

TBI TICS Transaction #: \_\_\_\_\_

Date Transaction Run: \_\_\_\_\_

Date Transaction Denied: \_\_\_\_\_

Name: \_\_\_\_\_

*(PRINT your complete first, middle and last name in correct order)*

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

*(Month, day, year)*

Requester's Mailing Address: \_\_\_\_\_

Requester's Physical Address: \_\_\_\_\_

Requester's Phone #: \_\_\_\_\_

**I have been denied by TBI TICS the right to purchase a handgun or long gun in the State of Tennessee based on a check by my gun dealer through the Tennessee Instant Check System (TBI TICS) and the FBI National Instant Criminal Background Check System (NICS). I hereby appeal that denial and request a review of the record(s) used by TBI TICS in determining that I should be denied the purchase. I understand that I may be required to provide TBI TICS a full set of inked fingerprints of myself for the purpose of comparing them with fingerprints associated with the record(s) used in the denial. I also understand that I only have 30 days to appeal the denial after it is issued and that TBI TICS is not required to assist me until such time as I formally appeal the denial. I further understand that the transaction could be denied by my gun dealer (FFL) and that under such circumstances, TBI TICS neither denied nor approved my firearm transfer and therefore I have no appeal to TBI TICS. I further understand that failure to complete this form or to complete it legibly could result in rejection of the form.**

**See further instructions on reverse side**

\_\_\_\_\_  
(Signature of Requester)

\_\_\_\_\_  
(Date)

Fax: (615) 744-4860  
Email: [tbi.tics@tbi.tn.gov](mailto:tbi.tics@tbi.tn.gov)

## TBI Guidelines for Federal Firearms Licensees

### Instructions for completing the APPEAL OF DENIAL form

The following procedure should be carefully followed to challenge a denied firearm transfer background check:

1. If your transaction was denied by TBI TICS (not your gun dealer) obtain your unique Transaction Number from your FFL (dealer). Legibly print the **Transaction Number** in the appropriate place on the reverse side of this form. Legibly print the other required information on the form. Include your complete phone number and current mailing address.
2. Make a copy of the form and retain it for your file or future use. You may submit via
  - o fax to 615-744-4660
  - o email with information submitted as a PFD to: [tbi.tics@tbi.tn.gov](mailto:tbi.tics@tbi.tn.gov)
  - o mail the form to: Tennessee Bureau of Investigation  
TBI TICS Unit  
901 R. S. Gass Blvd.  
Nashville, TN 37216-2639
3. **Do not attempt to hand carry your appeal to the above address to obtain same day service.**
4. It should be sent promptly to allow TBI TICS ample time to contact the necessary law enforcement agencies and/or clerk's offices and review any documentation they may provide.
5. Do not submit any documentation with this appeal form. Once TBI TICS has received the appeal, this will allow TBI TICS to further research the information needed. By law, TBI TICS has **15 calendar days** to research and review your attempted firearm transfer after the appeal is received.
6. If you do not submit your appeal before the 15 days from the date of your denial, your appeal will not be handled, and you will need to begin again with a new attempt to purchase.
7. Upon receipt of your appeal form, TBI TICS reviews the documentation used to make the denial. If the denial was for an arrest without a disposition, TBI TICS will contact the arresting agency, clerk of court and the state bureau of investigation's state records keeping unit for final disposition information. TBI TICS is able to obtain a final disposition or other required information, your FFL will be notified of any change of status for the transaction. You will need to keep in contact with your gun dealer to see if your appeal has been overturned.
8. If TBI TICS is unable to obtain the final disposition or other necessary information. TBI TICS will place your transaction into "**CONDITIONAL PROCEED**" status and advise your dealer by the most expedient means available (e-mail, fax or postal mail). Your dealer has the option of transferring the firearm to you or not transferring the firearm but is not obligated to transfer any firearm to you.
9. If your dealer refuses to transfer a firearm to you based on a "**CONDITIONAL PROCEED**" status received from TBI TICS; you were not denied by TBI TICS. This means TBI did not receive the information needed within the **15 days** to proceed in processing your transaction and advised the FFL dealer we could not approve or deny your purchase.
10. If you are placed in a "**SUSTAINED DENIAL**", you will receive a letter from TBI TICS explaining why your denial was sustained.
11. To check the status of the appeal please go to <https://tbibackgrounds.tbi.tn.gov/Appeals/>. You will need the TICS Transaction Number and date of birth to check the appeal status. This is available to access 24/7.

## TBI Guidelines for Federal Firearms Licensees

### STRAW PURCHASE VIOLATIONS

A “straw purchase” violation occurs whenever a person prohibited from acquiring firearms uses a “straw purchaser” (another person) to acquire the firearms.

Specifically, the actual buyer uses the “straw purchaser” to execute ATF form 4473 purporting to show that the “straw purchaser” is the actual purchaser of the firearm.

A “straw purchaser” is used because the actual purchaser is prohibited from acquiring the firearm. That is to say, the actual purchaser is a felon or is within one of the other prohibited categories of persons who may not lawfully acquire firearms or is a resident of a state other than that in which a licensee’s business premises is located. In other instances, neither the “straw purchaser”, nor the actual purchaser, is prohibited from acquiring the firearm.

If you are purchasing a firearm for another person who is prohibited from acquiring firearms, and you answer “yes” to question 9a, you have then falsified the form and are in violation of Federal law. (See 18 U.S.C. 922 and 923) The actual buyer who has enticed another person to fill out the ATF form 4473 on his/her behalf would also be in violation of Federal law. Finally, if a Federal Firearm Licensee (gun dealer) were aware of the false statements, the dealer would be in violation of the Federal law if the transfer of the firearm (s) were made.

One of the most common “straw purchase” violations occurs when a purchaser is denied and then attempts to get the firearm(s) by having his or her spouse, other relative or friend fill out an ATF form 4473 and buy the firearm(s) on his or her behalf.

In such cases, little thought seems to be given to the fact that three separate people may be violating Federal law. Often, the “straw purchaser” may be unaware of the violation simply because of not taking the time to thoroughly read AFT form 4473, along with the instructions. It should be noted that these violations also apply if the transaction is a delivery (transfer) of a firearm other than a sale, as in redemption of a previously pawned firearm.

The TBI TICS Unit cooperates with the Bureau of Alcohol, Tobacco and Firearms (ATF), and routinely reports suspected “straw purchases” to the ATF for action.

FFLs should know the law on “straw purchases” and advise their denied purchasers and likely “straw purchasers” of a potential violation of Federal law. The FFLs should then refuse to complete the transfer of the firearm(s) to any person who is not the actual purchaser.

## ALIENS & FOREIGN VISITORS

### Illegal Aliens

- **If a purchaser answers YES to question 21(l) on the ATF form 4473, the FFL dealer should immediately stop the transaction and deny the transfer without contacting TBI TICS.**

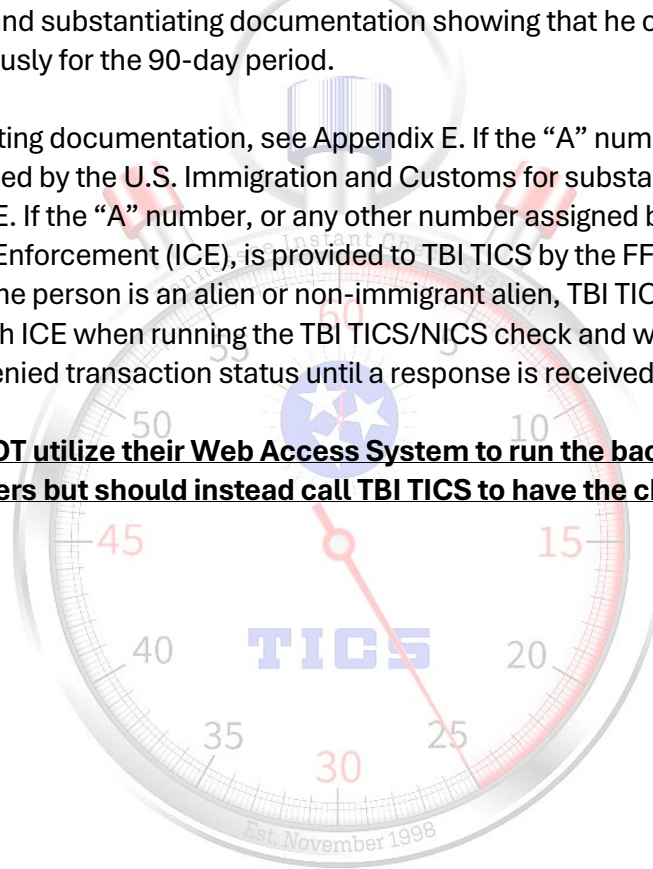
### Non-Immigrant Aliens

- A non-immigrant alien generally may not purchase firearms in the U.S., but there are **TWO** exceptions stated on ATF form 4473 under “NOTICES, INSTRUCTIONS, AND DEFINITIONS” – Question 21.m. Immigration Status:
  - An alien admitted to the United States under a nonimmigrant visa includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. These aliens must answer “yes” to this question and provide the additional documentation as required under question 26.d. to establish they are excepted from the nonimmigrant alien prohibition.
  - Permanent resident aliens and aliens legally admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements may answer “no” to this question, leave 21.m.2 blank and are not required to submit the additional documentation under question 26.d.
- An alien legally in the U.S., who has been admitted into the country **under a non-immigrant visa**, is generally prohibited from receiving or possessing firearms and an FFL may not transfer firearms to such aliens.
- It should be noted that Section B of the ATF form 4473 Question 20 is for the FFL to record information about the type of identification furnished by legal and non-immigrant aliens.
- Also, FFLs should be extremely careful in examining any Tennessee Driver’s License submitted as identification. Be sure the document is an actual driver’s license instead of the new Tennessee Driver’s Certificate.
- There must be proof of residence for 90 days
- **NOTE: FFLs who use the Web Access System to run their TBI TICS checks must call in any transactions to TBI TICS which involve non-immigrant aliens so that TBI TICS can run the separate check through ICE.**

## TBI Guidelines for Federal Firearms Licensees

### Foreign Visitors

- A foreign visitor is not a resident of a State and may not purchase and take delivery of a firearm in the United States. A foreign visitor may purchase a firearm and have it exported by an FFL dealer. The FFL dealer must obtain an export license from the U.S. State Department for this type of transaction.
- An alien legally in the U.S. would have a State of residence and may acquire firearms in that State only if he or she is residing in that State and has resided in that State continuously for at least 90 days prior to the purchase. FFLs should require alien purchasers to prove their identity and residency by presenting government-issued photo identification and substantiating documentation showing that he or she has resided in the State continuously for the 90-day period.
- For substantiating documentation, see Appendix E. If the “A” number, or any other number assigned by the U.S. Immigration and Customs for substantiating documentation see Appendix E. If the “A” number, or any other number assigned by the U.S. Immigration and Customs Enforcement (ICE), is provided to TBI TICS by the FFL, and the FFL notifies TBI TICS that the person is an alien or non-immigrant alien, TBI TICS will check the status of the alien with ICE when running the TBI TICS/NICS check and will NOT provide an approved or denied transaction status until a response is received from ICE.
- **FFL should NOT utilize their Web Access System to run the background checks on such purchasers but should instead call TBI TICS to have the check run by a TBI TICS Call-Taker.**



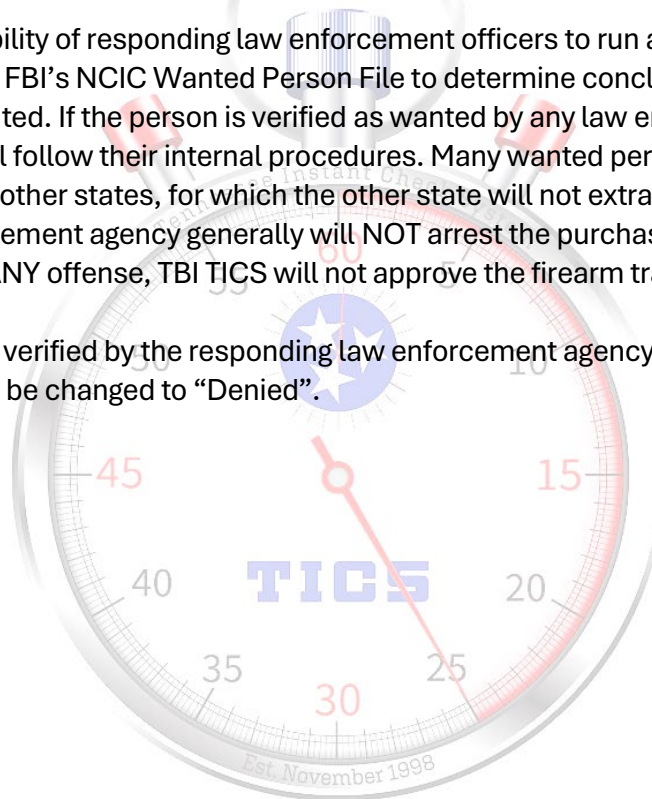
## WANTED PERSONS

**WARNING: FFLs should never try to apprehend or confront a wanted person. The appropriate law enforcement agency should always be contacted if problems or dangerous situations arise.**

If the background check of the purchaser identifies that he/she is a wanted person, the transaction will be given a “Pending” status. A special process will then begin, including contacting local law enforcement officials with a request to respond to the FFL’s premises and check on the purchaser. The law enforcement agency will be furnished the information found by the TBI TICS Unit which indicated the purchaser to be a wanted person.

It will be the responsibility of responding law enforcement officers to run a second check of the purchaser through the FBI’s NCIC Wanted Person File to determine conclusively whether the person is actually wanted. If the person is verified as wanted by any law enforcement agency, the responding agency will follow their internal procedures. Many wanted persons are wanted for non-serious crimes in other states, for which the other state will not extradite. In such cases, the responding law enforcement agency generally will NOT arrest the purchaser. However, if the person is wanted for ANY offense, TBI TICS will not approve the firearm transfer.

Once the purchaser is verified by the responding law enforcement agency as being wanted, the transaction status will be changed to “Denied”.



## TBI Guidelines for Federal Firearms Licensees

Listed below are inquiries that TBI TICS often get on these topics. This is not meant to be a comprehensive answer. For further explanation, please refer to the ATF Federal Firearms Regulations Reference Guide - 2014:

### AUCTIONS

#### **Consignment Auctions**

The auctioneer usually takes possession of firearms in advance of the auction and generally inventories, evaluates and tags the firearm(s) for identification. The firearms belong to individuals who have entered into a consignment agreement with the auctioneer giving that auctioneer authority to sell the firearms. The auctioneer has possession and control of the firearm(s). Under these circumstances, an auctioneer would generally need a license. An auctioneer who buys firearms for purposes of resale also needs a license. For additional information or contact your local ATF office.

#### **Estate Auctions**

The firearms being auctioned are being sold by the executor of the estate of an individual. The firearms belong to and are possessed by the executor. The auctioneer is acting as an agent of the executor and assisting the executor in finding buyers for the firearms. The estate controls the firearm(s) and the sales are being made by the estate. The auctioneer does not meet the definition of engaging in business as a firearm dealer and does not need a license. However, an auctioneer who has a FFL may perform this function away from his or her licensed premises.

#### **Law Enforcement Agency Auctions**

Sheriff's departments and other law enforcement agencies frequently have an auction of firearms they have seized during arrests and investigations of crimes. These firearms are often awarded to the law enforcement agencies by the courts. Law enforcement agencies are not prevented by state law or the Brady Bill from selling/auctioning these firearms and do not have to run the Brady checks in NICS. In fact, law enforcement agencies may not run their own background checks through the FBI's NCIC, III and NICS databases or the TBI's criminal history database. However, nothing prohibits a law enforcement agency from consigning their firearms to an auctioneer or other firearm dealer with an FFL and letting that licensed dealer handle the transfer by doing a TBI TICS/NICS check on the purchaser. Firearms may be displayed at an auction site away from the auctioneer's licensed premises and sales of the firearms can be agreed upon at that location, but delivery may only be made to purchasers after the firearms have been returned to the auctioneer's licensed premises. The simultaneous sale and delivery of the auctioned firearms away from the licensed premises would violate the law, i.e., engaging in business at an unlicensed location.

However, if the auctioneer is assisting an estate dispose of firearms, the estate is the seller of the firearms, and the estate is in control and possession of the firearms, the firearms would not have to be returned to the licensed premises prior to their delivery.

## TBI Guidelines for Federal Firearms Licensees

**Auctioneers who have a large number of firearms to auction off at a particular sale should notify TBI TICS at least a week in advance of the auction. This gives the FFL- Dealer time to run a NCIC Stolen Firearm Query via TBI TICS Website on each gun prior to the auction.**

### GUN SHOWS

This applies to activities permitted at bona fide gun shows, as defined in Title 27 of the Code of Federal Regulations, Section 478.100. Federal firearms licensees (“FFLs” or “Dealers”) may only sell firearms at gun shows within the State in which their licensed premises is located.

#### **Dealers Licensed in Tennessee**

- MUST display license
- MUST comply with all recordkeeping requirements of ATF regulations concerning acquisitions and dispositions of firearms, including the recording of the place of sale
- MAY dispose of handguns to residents of this State only, provided that the purchaser is at least 21 years of age, and all provisions of the Brady law are met
- MAY dispose of long guns to residents of any State, provided that the purchaser is at least 18 years of age, the laws of both States are complied with, and all provisions of the Brady law are met
- MAY dispose of firearms to any FFL.
- MAY acquire firearms from any FFL licensed in the State and from any non-licensed individual.
- MAY take orders of any firearm from a non-licensee and ship the same to a licensee in the purchaser’s State of residence from whom the purchaser can then take possession after the provisions of the Brady law are met.

#### **Dealers Not Licensed in Tennessee**

- MUST display license.
- MUST comply with all ATF recordkeeping requirements concerning the acquisition of firearms.
- MAY acquire firearms from any FFL licensed in this State and from any non-licensed individual.
- MAY make a sale and deliver curio and relic firearms to any other FFL licensed in any State if the laws of both States are complied with.
- MAY ship curio or relic firearms from this show to any other FFL.
- MAY display and take orders.

#### **Non-Licensed Residents of Tennessee**

- MAY acquire long guns or handguns from FFLs licensed in this State, provided all provisions of the Brady law are met.
- MAY dispose of personal firearms to any FFL.
- MAY acquire from and dispose of personal firearms to non-licensed residents of the State. However, non-licensed individuals may not be engaged in the business of dealing in firearms without a Federal firearms license.

## TBI Guidelines for Federal Firearms Licensees

- CANNOT acquire from or dispose of firearms to non-licensed residents of any other State.
- CANNOT ship in interstate commerce, except to themselves or an FFL, a firearm that has otherwise been lawfully acquired; must, when shipping to themselves, declare the firearm to the commercial or contract carrier.

### Non-Licensed Residents from Another State

- MAY dispose of firearms to any FFL.
- MAY acquire long guns only from FFLs licensed in Tennessee, provided the laws of both States are complied with and all provisions of the Brady law are met.
- MAY order firearms from any FFL and have them shipped from the show to an FFL in their State of residence by a commercial or contract carrier in accordance with State and Federal law.
- CANNOT acquire handguns.
- CANNOT acquire from or dispose of firearms to non-licensed individuals.

### Gun Show Loophole Closing Act of 2021

In 2021, Congress passed a bill that required criminal background checks on all firearms transactions occurring at gun shows.

In this bill reads in part that gun shows are “any event at which 50 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce;”  
(<https://www.congress.gov/bill/117th-congress/house-bill/1006/text>)

In 2022, the Bipartisan Safer Communities Act was signed into law which expanded background checks and broadened existing restrictions along with other provisions  
(<https://www.congress.gov/bill/117th-congress/senate-bill/2938/text/enr>).

## TBI Guidelines for Federal Firearms Licensees

### MULTIPLE SALES OF PISTOLS & REVOLVERS

FFL dealers are required by federal law (27 CFR Chapter II, Part 478.126a – see <https://regulations.atf.gov/478-126a/2024-13699>) to report to the ATF multiple sales or other disposition of handguns and revolvers on Form 3310.4 (Report of Multiple sale or Other Disposition of Pistols and Revolvers).

The form specifies that a copy be sent to the State police or to the local law enforcement agency in which the sale or other disposition took place. Due to TBI/TBI TICS having no authority to do process this form, **DO NOT** submit this form to the TBI TICS Unit.

**Federal and state law prohibits TBI/TBI TICS from retaining records of approved firearm transfers for more than 24 hours after the approval and transaction number has been furnished to the FFL.**

### MULTIPLE TRANSACTIONS

When calling into the TBI TICS unit where there are multiple people in need of a background check from the same FFL dealer, the TBI TICS Unit may process no more than **two (2)** separate transactions.

A new call to the TBI TICS Unit will be required if more than **two (2)** transactions are necessary.

A new transaction is required for every individual receiving a firearm, and a fee will be charged for each transaction on every individual.

Transactions between the same purchaser and several different FFLs on the same day will require a TBI TICS check to be run by each FFL. This also includes transactions at a gun show where firearms are purchased from separate vendors during the day.

FFLs utilizing the TBI TICS web check system are not limited as to how many transactions they run because the checks do not require involvement of a Legal Instrument Examiner.

### MULTIPLE FIREARMS PER TRANSACTION

On the occasion there is a transaction involving one person and purchasing multiple firearms with the same FFL dealer, please have all the information at hand prior to calling the TBI TICS Unit. There will only be one background check and fee required for this transaction.

If the FFL dealer utilizes the TBI TICS web access system to run the transaction, the FFL dealer can enter as many firearms as the purchaser is buying and run them all with the single transaction on the purchaser. Identifying information about each firearm will be required and checked as part of the same transaction. **Transactions by the same individual with other FFL dealers in the same day will require an additional check and fee.**

## TBI Guidelines for Federal Firearms Licensees

**Once an individual has completed a transaction and left the FFL dealer business premises, he/she must complete a new ATF 4473 regardless of how much time has passed.**

A TBI TICS/NICS check conducted in accordance with state and federal law may be relied upon by the FFL dealer only for the use in a single transaction, and for a period not to exceed 30 calendar days from the date that the TBI TICS/NICS check was initially run.

If an approved transaction is not completed within the 30-day period, the licensee shall initiate a **new** TBI TICS/NICS check prior to the completion of the transfer. This means the purchaser must pick up the firearm(s) within 30 days of the time the initial TBI TICS/NICS check is done [see 27 CFR Chapter 1, Part 178.102 (c).]

If the transaction is denied, the appeal must be filed within 30 days. If the purchaser does not appeal within 30 days following the denied transfer, the purchaser must attempt another firearm purchase and appeal within the required 30 days.

### EXCHANGES

If a background check is completed and approved for a potential purchaser, and due to a defect in the purchased firearm, an exchange is requested within the 30-DAY transaction validity period, only a stolen gun check on the new firearm is required IF the firearm is being exchanged for a firearm of the same make and model as the defective firearm.

The FFL dealer will need to record the new serial number on ATF form 4473 and should note the details of the exchange. If a different kind of firearm is involved in the exchange, or if the exchange is from a handgun to a long gun or a long gun to a handgun, a new ATF form 4473 must be completed and a new TBI TICS transaction and fee will be required. Any new purchase would require a TBI TICS/NICS check.

### LAW ENFORCEMENT OFFICERS & FIREARM SALES

State law indicates that the background check requirements do not apply to transactions or transfers between FFL dealers and a bona fide law enforcement agency or such agency's personnel.

TBI TICS/NICS checks must be done on law enforcement officers unless the officer presents the FFL dealer with a letter on official department letterhead, and signed by the officer's department head, stating that the firearm is being purchased for on-the-job use.

If the firearm is being purchased for personal use, including hunting, the TBI TICS/NICS check must be completed.

## LAY-AWAY AND OUT-OF-STOCK ORDERS

In situations where a potential purchaser needs to put the firearm on a lay-away plan or requests the dealer to place an order for an unusual item, the FFL dealer may choose to run a background check **before** the order is placed or lay-away accepted. In either case, an additional transaction must be run at the time of the actual transfer. A separate fee will be due for each transaction.

## PAWN TRANSACTIONS (DIRECT SALES & REDEMPTIONS)

All transactions conducted by a pawnbroker who is an FFL dealer are considered “Transfers”, whether they are direct sales or redemptions from pawn. Pawnbrokers should make anyone attempting to pawn a firearm aware that they will have to pass a TBI TICS/NICS check before they can redeem the firearm from pawn. A person holding a pawn ticket may not be the person that originally pawned the firearm, but still must pass a TBI TICS/NICS background check.

For information regarding the return of a firearm to someone who did not originally pawn the firearm, please refer to the Questions/Answers section of ATF’s publication FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE - 2014.

Firearms that are pawned, or placed on lay-away, cannot be legally transferred without a background check being performed at the time of the transfer. If the transfer is denied, the FFL must make a business decision regarding the lawful disposition of the firearm since the firearm cannot be given to the individual who attempted to take possession of the firearm.

**TBI/TBI TICS has no authority and offers no guidance in these matters.**

Under the Tennessee Constitution, Article XI, Section 5, lotteries are illegal in the state of Tennessee unless authorized by the General Assembly and with profit going to the benefit of the citizens of Tennessee (i.e. the HOPE scholarship).

Raffles fall into the same category as lotteries, the exception being if the raffle is conducted by a registered 501c3, non-profit organization and has the permission of the Secretary of State of Tennessee’s division of Charitable Solicitation and Gaming.

A winner must state on ATF form 4473, Section 9a that he/she is the actual buyer of the firearm and must meet applicable Federal and State laws regarding firearm purchasing. The FFL dealer must still log this transaction as it would any other transaction.

## TBI Guidelines for Federal Firearms Licensees

If you have any questions regarding raffles or how to proceed with the transaction for the winner of a raffle, contact the Tennessee Secretary of State.

### STOLEN FIREARMS

A check of the NCIC database will be performed for each firearm included in a transaction to determine if the firearm is reported as stolen.

**If a firearm is determined to be a match with the NCIC hit, it will be reported to the law enforcement agency with the FFL's jurisdiction. After receiving confirmation from the law enforcement agency that the firearm was seized or not seized, the rest of the purchasers' transaction will be approved or denied based on their criminal history check.**

**Any FFL dealer that is conducting gun checks/stolen firearms checks must have the firearm(s) in their possession at the time of the inquiry. NO EXCEPTIONS.**

Should a firearm(s) be determined to match the NCIC hit and after TBI TICS has notified the law enforcement agency:

- The law enforcement agency will follow their departmental policy and procedures to determine if firearm(s) are a match
- The law enforcement agency will notify TBI TICS if the firearm(s) are stolen or not
- FFL dealers **will not** be notified by TBI TICS about the possible stolen firearm prior to law enforcement arrival
- A stolen firearm is not the basis for an approved or denied on a transaction

In an effort to identify stolen weapons before they are transferred to FFL's, a free gun check can be performed for FFLs who log onto the Website. This service will be available at no cost to the FFL's.

**There is no legal requirement for TBI TICS to do these checks for FFLs prior to them taking a firearm in trade or into pawn, however it is in the best interest of the FFLs, law enforcement and the rightful owners of stolen firearms to provide this service.**

### ANTIQUE/REPLICA FIREARMS

FFLs should know the federal and state law, and the ATF rules and regulations regarding these types of firearms. Do not call TBI TICS with questions about whether a TBI TICS/NICS check should be run on a person wishing to purchase one of these firearms.

## TBI Guidelines for Federal Firearms Licensees

For information, refer to your FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE - 2014, 18 U.S.C., Chapter 44, § 921(a)(16) and/or TCA 39-17-1316(b)(1).

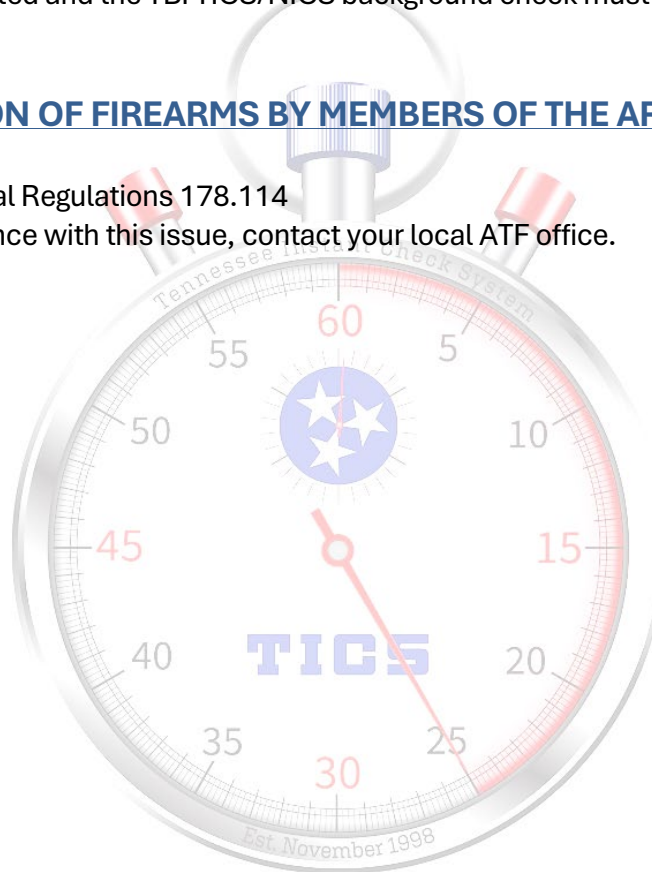
### FIREARM REPAIR AND GUNSMITHING

A background check is not required for situations when the ATF does not require the completion of an ATF 4473 form, such as for gunsmithing and gun repair. However, a gunsmith is a licensed firearm dealer and if he/she engages in the business of buying and selling firearms, an ATF form 4473 must be completed and the TBI TICS/NICS background check must be done.

### IMPORTATION OF FIREARMS BY MEMBERS OF THE ARMED FORCES

See 27 Code of Federal Regulations 178.114

For additional assistance with this issue, contact your local ATF office.



## TBI Guidelines for Federal Firearms Licensees

### RELEVANT LAWS and INFORMATION

#### TENNESSEE FIREARMS FREEDOM ACT

The “Tennessee Firearms Freedom Act” became effective June 19, 2009. The Act states, among other things, that personal firearms, accessories, and parts that do not leave the state of Tennessee are not subject to federal regulation. The Public Charter can be viewed at: <https://www.capitol.tn.gov/bills/106/bill/sb1610.pdf>.

#### ATF Open Letter

On July 16<sup>th</sup>, 2009, in response to the “Tennessee Firearms Freedom Act”, the ATF’s Assistant Director for Enforcement Programs and Services Carson W. Carroll published the following Open Letter to All Tennessee Federal Firearms Licensees, which reads in part:

“The Act purports to exempt personal firearms, firearms accessories, and ammunition manufactured in the State, and which remain in the State, from most Federal firearms laws and regulations. However, because the Act conflicts with Federal firearms laws and regulations, Federal law supersedes the Act, and all provisions of the Gun Control Act and the National Firearms Act, and their corresponding regulations, continue to apply.

As you may know, Federal law requires a license to engage in the business of manufacturing firearms and ammunition, or to deal in firearms, even if the firearms or ammunition remain within the same state. All firearms manufactured by a license must be properly marked. Additionally, each licensee must record the type, model, caliber or gauge, and serial number of each firearm manufactured or otherwise acquired, and the date such manufacture or other acquisition was made. The information required must be recorded in the licensee’s records not later than the seventh day following the date such manufacture or other acquisition was made.

Firearms transaction records and NICS background checks must be conducted prior to disposition of firearms to unlicensed persons. These, as well as other Federal requirements and prohibitions, apply whether or not the firearms or ammunition have crossed state lines.”

You can find the ATF Open letter at: <https://www.atf.gov/firearms/docs/open-letter/tennessee-july2009-open-letter-passage-tennessee-firearms-freedom-act>

#### FEDERAL LAW

##### **18 U.S.C. § 922 and 923**

The full statutory language may be accessed at:

[https://uscode.house.gov/view.xhtml?req=\(title:18%20section:922%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:18%20section:922%20edition:prelim))

## TBI Guidelines for Federal Firearms Licensees

<https://www.govinfo.gov/app/details/USCODE-2023-title18/USCODE-2023-title18-part1-chap44-sec923>

### **BIPARTISAN SAFER COMMUNITIES ACT**

The Bipartisan Safer Communities Act (“BSCA”) was signed into law on June 25, 2022. This law was created, in part, to close loopholes in the background checks system, enhancing safety provisions and mental health resources for students.

To read the bill in its entirety, go to: <https://www.congress.gov/bill/117th-congress/senate-bill/2938/text>

### **TENNESSEE SECRETARY OF STATE**

To read the rules of Tennessee Bureau of Investigation, Chapter 1395-1-3, Division of Tennessee Instant Check Systems Program, go to: <https://publications.tnsosfiles.com/rules/1395/1395-01-03.pdf>

### **TENNESSEE’S FIREARMS TRANSFER LAW**

#### **Tenn. Code Ann. § 39-17-1316**

**(a)(1)(A)** A person appropriately licensed by the federal government may stock and sell firearms to persons desiring firearms; however, sales are prohibited to persons who:

- (i)** Have been convicted of the offense of stalking, as prohibited by § 39-17-315;
- (ii)** Are addicted to alcohol;
- (iii)** Are ineligible to receive firearms under 18 U.S.C. § 922; or
- (iv)** Have been judicially committed to a mental institution pursuant to title 33 or adjudicated as a mental defective; or
- (v)** Are under twenty-five (25) years of age and are currently prohibited from purchasing a firearm as a result of having been adjudicated delinquent on or after July 1, 2024, for an act which, if committed by an adult, would have constituted one (1) or more of the following offenses:
  - (a)** Aggravated assault, as defined in § 39-13-102;
  - (b)** Aggravated assault against a first responder or nurse, as defined in § 39-13-116;
  - (c)** A violation of chapter 13, part 2, of this title;
  - (d)** A violation of chapter 13, part 4, of this title;
  - (e)** A violation of chapter 13, part 10, of this title;
  - (f)** Aggravated cruelty to animals, as defined in § 39-14-212;
  - (g)** A threat of mass violence, as defined in § 39-16-517; or
  - (h)** A violation of this title involving the use or display of a firearm.

**(B)** For purposes of subdivision (a)(1)(A)(iii), the offense of violation of a protective order as prohibited by § 39-13-113 is considered a “misdemeanor crime of domestic violence” for purposes of 18 U.S.C. § 921.

**(2)** The provisions of this subsection (a) prohibiting the sale of a firearm to a person convicted of a felony shall not apply if:

## TBI Guidelines for Federal Firearms Licensees

- (A) The person was pardoned for the offense;
  - (B) The conviction has been expunged or set aside; or
  - (C) The person's civil rights have been restored pursuant to title 40, chapter 29; and
  - (D) The person is not prohibited from possessing a firearm by § 39-17-1307.
- (b)(1)** As used in this section, “firearm” has the meaning as defined in § 39-11-106, including handguns, long guns, and all other weapons that meet the definition except “antique firearms” as defined in 18 U.S.C. § 921.
- (2)** As used in this section, “gun dealer” means a person engaged in the business, as defined in 18 U.S.C. § 921, of selling, leasing, or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker, or otherwise.
- (c)** Except with respect to transactions between persons licensed as dealers under 18 U.S.C. § 923, a gun dealer shall comply with the following before a firearm is delivered to a purchaser:
- (1)** The purchaser shall present to the dealer current identification meeting the requirements of subsection (f);
  - (2)** The gun dealer shall complete a firearms transaction record as required by 18 U.S.C. §§ 921-929, and obtain the signature of the purchaser on the record;
  - (3)** The gun dealer shall request by means designated by the bureau that the Tennessee bureau of investigation conduct a criminal history record check on the purchaser and shall provide the following information to the bureau:
    - (A)** The federal firearms license number of the gun dealer;
    - (B)** The business name of the gun dealer;
    - (C)** The place of transfer;
    - (D)** The name of the person making the transfer;
    - (E)** The make, model, caliber and manufacturer's number of the firearm being transferred;
    - (F)** The name, gender, race, and date of birth of the purchaser;
    - (G)** The social security number of the purchaser, if one has been assigned; and
    - (H)** The type, issuer and identification number of the identification presented by the purchaser; and
  - (4)** The gun dealer shall receive a unique approval number for the transfer from the bureau and record the approval number on the firearms transaction record.
- (d)** Upon receipt of a request of the gun dealer for a criminal history record check, the Tennessee bureau of investigation shall immediately, during the gun dealer's telephone call or by return call:
- (1)** Determine, from criminal records and other information available to it, whether the purchaser is disqualified under subdivision (a)(1) from completing the purchase; and
  - (2)** Notify the dealer when a purchaser is disqualified from completing the transfer or provide the dealer with a unique approval number indicating that the purchaser is qualified to complete the transfer.
- (e)(1)** The Tennessee bureau of investigation may charge a reasonable fee, not to exceed ten dollars (\$10.00), for conducting background checks and other costs incurred under this section, and shall be empowered to bill gun dealers for checks run.
- (2)** Funds collected by the Tennessee bureau of investigation pursuant to this section shall be deposited in a continuing deferred interest-bearing revenue fund that is created in the state treasury. This fund will not revert to the general fund on June 30 of any year. This fund shall be used to offset the costs associated with conducting background checks. By February 1 of each year the Tennessee bureau of investigation shall report to the judiciary committee of the senate and the criminal justice committee

## TBI Guidelines for Federal Firearms Licensees

of the house of representatives, the amount of money collected pursuant to this section in excess of the costs associated with conducting background checks as required by this section. The excess money shall be appropriated by the general assembly to the Tennessee bureau of investigation for other law enforcement related purposes as it deems appropriate and necessary.

**(f)(1)** Identification required of the purchaser under subsection (c) shall include one (1) piece of current, valid

identification bearing a photograph and the date of birth of the purchaser that:

**(A)** Is issued under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental organization or an international quasi-governmental organization; and

**(B)** Is intended to be used for identification of an individual or is commonly accepted for the purpose of identification of an individual.

**(2)** If the identification presented by the purchaser under subdivision (f)(1)(A) does not include the current address of the purchaser, the purchaser shall present a second piece of current identification that contains the current address of the purchaser.

**(g)** The Tennessee bureau of investigation may require that the dealer verify the identification of the purchaser if that identity is in question by sending the thumbprints of the purchaser to the bureau.

**(h)** The Tennessee bureau of investigation shall establish a telephone number that shall be operational seven (7) days a week between the hours of eight o'clock a.m. and ten o'clock p.m. Central Standard Time (8:00 a.m. – 10:00 p.m. (CST)), except Christmas Day, Thanksgiving Day, and Independence Day, for the purpose of responding to inquiries from dealers for a criminal history record check under this section.

**(i)** No public employee, official or agency shall be held criminally or civilly liable for performing the investigations required by this section; provided the employee, official or agency acts in good faith and without malice.

**(j)** Upon the determination that receipt of a firearm by a particular individual would not violate this section, and after the issuance of a unique identifying number for the transaction, the Tennessee bureau of investigation shall destroy all records (except the unique identifying number and the date that it was assigned) associating a particular individual with a particular purchase of firearms.

**(k)** A law enforcement agency may inspect the records of a gun dealer relating to transfers of firearms in the course of a reasonable inquiry during a criminal investigation or under the authority of a properly authorized subpoena or search warrant.

**(l)(1)** The following transactions or transfers are exempt from the criminal history record check requirement of subdivision (c)(3):

**(A)** Transactions between licensed:

**(i)** Importers;

**(ii)** Manufacturers;

**(iii)** Dealers; and

**(iv)** Collectors who meet the requirements of subsection (b) and certify prior to the transaction the legal and licensed status of both parties;

**(B)** Transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer

## TBI Guidelines for Federal Firearms Licensees

and a bona fide law enforcement agency or the agency's personnel. However, all other requirements of subsection (c) are applicable to a transaction or transfer under this subdivision (l)(1)(B); and

- (C)** Transactions by a gun dealer, as defined in subdivision (b)(2), making occasional sales, exchanges, or transfers of firearms that comprise all or part of the gun dealer's personal collection of firearms.
- (2)** The burden of proving the legality of any transaction or transfer under this subsection (l) is upon the transferor.
- (m)** The director of the Tennessee bureau of investigation is authorized to make and issue all rules and regulations necessary to carry out this section.
- (n)** In addition to the other grounds for denial, the bureau shall deny the transfer of a firearm if the background check reveals information indicating that the purchaser has been charged with a crime for which the purchaser, if convicted, would be prohibited under state or federal law from purchasing, receiving, or possessing a firearm; and, either there has been no final disposition of the case, or the final disposition is not noted.
- (o)** Upon receipt of the criminal history challenge form indicating a purchaser's request for review of the denial, the bureau shall proceed with efforts to obtain the final disposition information. The purchaser may attempt to assist the bureau in obtaining the final disposition information. If neither the purchaser nor the bureau is able to obtain the final disposition information within fifteen (15) calendar days of the bureau's receipt of the criminal history challenge form, the bureau shall immediately notify the federal firearms licensee that the transaction that was initially denied is now a "conditional proceed." A "conditional proceed" means that the federal firearms licensee may lawfully transfer the firearm to the purchaser.
- (p)** In any case in which the transfer has been denied pursuant to subsection (n), the inability of the bureau to obtain the final disposition of a case shall not constitute the basis for the continued denial of the transfer as long as the bureau receives written notice, signed and verified by the clerk of the court or the clerk's designee, that indicates that no final disposition information is available. Upon receipt of the letter by the bureau, the bureau shall immediately reverse the denial.
- (q)(1)** It is an offense for a person to purchase or attempt to purchase a firearm knowing that the person is prohibited by state or federal law from owning, possessing or purchasing a firearm.
- (2)** It is an offense to sell or offer to sell a firearm to a person knowing that the person is prohibited by state or federal law from owning, possessing or purchasing a firearm.
- (3)** It is an offense to transfer a firearm to a person knowing that the person:
- (A)** Has been judicially committed to a mental institution or adjudicated as a mental defective unless the person's right to possess firearms has been restored pursuant to title 16; or
- (B)** Is receiving inpatient treatment, pursuant to title 33, at a treatment resource, as defined in § 33-1-101, other than a hospital.
- (4)** It is an offense for a person to knowingly purchase or attempt to purchase a firearm if the person has been judicially committed to a mental institution or adjudicated as a mental defective.
- (5)** A violation of this subsection (q) is a Class A misdemeanor.
- (r)** The criminal history records check required by this section shall not apply to an occasional sale of a used or second-hand firearm by a person who is not engaged in the business of importing, manufacturing, or dealing in firearms, pursuant to 18 U.S.C. §§ 921 and 923.

## TBI Guidelines for Federal Firearms Licensees

### TENNESSEE STATE PROHIBITORS

#### ADDICTED TO ALCOHOL

**Tenn. Code Ann. § 39-17-1316(a)(1)** contains a disqualification for firearm transfers to persons who are addicted to alcohol. Alcohol is defined as: any distilled spirits, wine, or malt beverages. TBI TICS uses the same standards for determining addiction to alcohol as are used for dangerous drugs/controlled substances:

- A person who uses alcohol, as defined above, and has lost the power of self-control with reference to the use of alcohol; or
- A person convicted for use or possession of alcohol within the past year, or
- A person with multiple arrests for use or possession of alcohol within the past five years if the most recent arrest occurred within the past year; or
- A person found through a blood alcohol test (BAT) or Breathalyzer Test to be under the influence of alcohol if the test was lawfully administered and within the past year; or
- A current or former military service member who received recent disciplinary or other administrative action based on confirmed alcohol use (e.g., court-martial conviction, non-judicial punishment, or an administrative discharge based on alcohol abuse or alcohol rehabilitation failure).
- A person may be an unlawful current user of alcohol even though the alcohol is not being used at the precise time the person seeks to acquire a firearm or receives or possesses a firearm; rather, the unlawful use only needs to have occurred recently enough to indicate that the individual is actively engaged in such conduct.

#### STALKING

**Tenn. Code Ann. § 39-17-1316**, prohibits the transfer of a firearm to anyone who has been convicted of the offense of stalking under Tenn. Code Ann. § 39-17-315).

#### MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE

Under Tenn. Code Ann. § 39-17-1316(a)(1), the offense of violation of a protective order as prohibited by T.C.A. 39-13-113 shall be considered a “misdemeanor crime of domestic violence” for purposes of 18 U.S.C. 921.

Under a ruling from the U.S. Attorney General, any crime that could have originally been a crime of domestic violence (DV) MUST be thoroughly researched in order to deny a firearm transaction. This will, of course, delay a speedy turnaround in processing many TBI TICS/NICS inquiries. The

## TBI Guidelines for Federal Firearms Licensees

U.S. AG and FBI NICS have listed many such possible DV charges that require substantial research.

Those charges can include: Affray, Assault, Assault & Battery, Battery, Criminal Mischief, Disorderly Conduct, Fighting, Menacing, Reckless Endangerment, Sexual Abuse, and Simple Assault. This is not an all-inclusive list.

If **ALL** the following **three conditions** are met, a person shall be considered to have been convicted of a misdemeanor crime of domestic violence:

1. The person is considered to have been convicted by the jurisdiction in which the proceedings were held; and
2. The person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and
3. In the case of a prosecution for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either:
  - a. The case was tried by a jury, or
  - b. The person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea, or otherwise.

Domestic violence charges often start out with an arrest charge of DOMESTIC VIOLENCE and get reduced in court to one of the above charges. TBI TICS will deny the firearm transaction if a charge is found, during review, to have all the following criteria:

1. The charge is a misdemeanor under federal or state law or, in states that do not classify offenses as misdemeanors, is an offense that is punishable by imprisonment for a term of one year or less, and includes offenses that are punishable only by a fine (whether or not the state statute specifically defines the offense as a “misdemeanor” or as a “misdemeanor crime of domestic violence”); and
2. Involves the use or attempted use of physical force (e.g., assault or battery) or the threatened use of a deadly weapon; and
3. Was committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian (e.g., the equivalent of a “common law” marriage even if such relationship is not recognized under the law), or a person similarly situated to a spouse, parent, or guardian of the victim (e.g., two persons who are residing at the same location in an intimate relationship with the intent to make that place their home).

## TBI Guidelines for Federal Firearms Licensees

### JUVENILE PROHIBITOR

#### Tenn. Code Ann. § 37-1-190

**(a)(1)** Beginning July 1, 2024, in addition to any disposition authorized by § 37-1-131, if a juvenile is adjudicated delinquent for conduct that, if committed by an adult, would constitute an offense set out in subdivision (a)(2), then the court shall prohibit the juvenile from purchasing or possessing a firearm until the juvenile reaches twenty-five (25) years of age.

**(2)** This section applies to delinquent acts committed by a juvenile who is fourteen (14) years of age or older at the time of the act that, if committed by an adult, would constitute:

- (A)** Aggravated assault, as defined in § 39-13-102;
- (B)** Aggravated assault against a first responder or nurse, as defined in § 39-13-116;
- (C)** A violation of title 39, chapter 13, part 2;
- (D)** A violation of title 39, chapter 13, part 4;
- (E)** A violation of title 39, chapter 13, part 10;
- (F)** Aggravated cruelty to animals, as defined in § 39-14-212;
- (G)** A threat of mass violence, as defined in § 39-16-517; or
- (H)** A violation of title 39 involving the use or display of a firearm.

**(b)(1)** Before a juvenile court accepts a plea of guilty or no contest from a child who was fourteen (14) years of age or older at the time of the offense and charged with a delinquent offense described in subdivision (a)(2), the court shall notify the juvenile that the juvenile will be prohibited from possessing or purchasing a firearm until the juvenile reaches twenty-five (25) years of age.

**(2)** After informing the juvenile of the firearm consequences of a plea of guilty or no contest, the court may accept the plea of guilty or no contest if the juvenile clearly states on the record that the juvenile is aware of the consequences of the adjudication and still wishes to enter a plea of guilty or no contest.

**(c)** If a juvenile is found by the court to have committed a delinquent act described in subdivision (a)(2), then the court shall notify the juvenile of the prohibition on purchasing or possessing a firearm until the juvenile reaches twenty-five (25) years of age.

**(d)** The clerk of the juvenile court shall electronically submit to the instant check unit of the Tennessee bureau of investigation the final disposition of delinquency proceedings against a juvenile adjudicated delinquent for an act described in subdivision (a)(2) as soon as practicable but not later than three (3) business days after final disposition of the delinquency proceedings. The Tennessee bureau of investigation shall transmit the final disposition to the department of safety for the department's use in determining eligibility under §§ 39-17-1351, 39-17-1352, and 39-17-1366.

**(e)(1)** If a person subject to the prohibition in subsection (a) is nineteen (19) years of age or older and at least one (1) year removed from person's most recent delinquency adjudication and completion of any disposition imposed, then the person may petition the juvenile court for reinstatement of the person's right to purchase or possess a firearm.

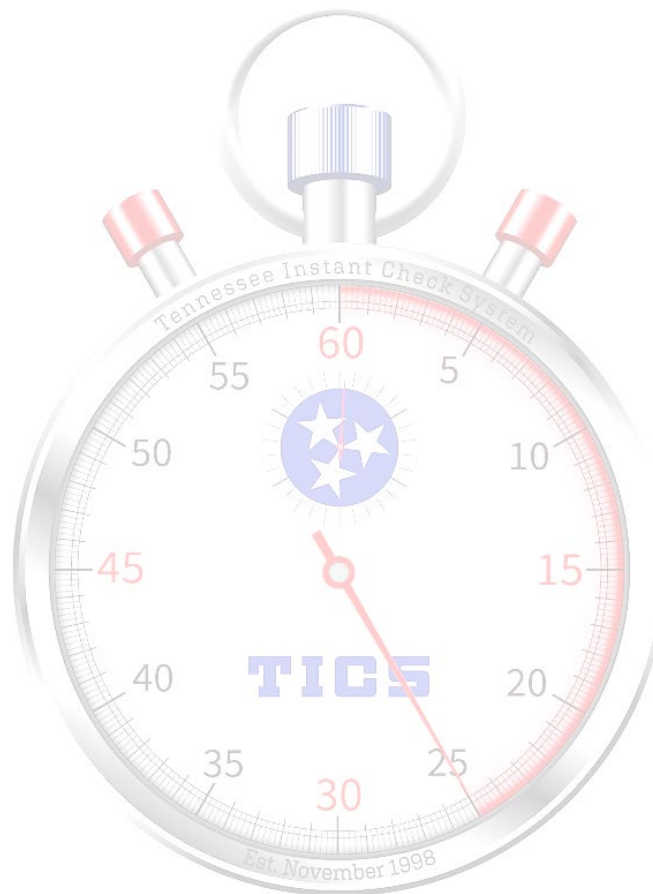
**(2)** In determining whether to grant a petition filed under this subsection (e), the court shall consider:

- (A)** The behavior of the person since the delinquency adjudication resulting in the prohibition under subsection (a);
- (B)** The likelihood that the person will engage in further criminal activity; and
- (C)** Any other information the court considers relevant.

## TBI Guidelines for Federal Firearms Licensees

**(3)** Pursuant to § 37-1-159, the criminal court, or a court having criminal jurisdiction, may review the juvenile court's determination under this subsection (e).

**(4)** If the court grants a petition for reinstatement of the person's right to purchase or possess a firearm and the court's order is not appealed pursuant to § 37-1-159, then the clerk of the juvenile court shall electronically submit to the instant check unit of the Tennessee bureau of investigation a certified copy of the order reinstating the person's right to purchase or possess a firearm within three (3) business days after the time period for filing an appeal has closed.



## TBI TICS UNIT INFORMATION

**TBI TICS Unit is open 7 days a week, 8:00 a.m. to 10:00 p.m. CST**

**The TBI TICS Unit will be closed on the following days and no transactions will be conducted:**

- **Independence Day (July 4<sup>th</sup>)**
- **Thanksgiving Day**
- **Christmas Day**

For questions, FFL dealers may contact the TBI TICS Unit at:

- 615-744-4620
- [tbi.tics@tbi.tn.gov](mailto:tbi.tics@tbi.tn.gov)

For background checks, FFL dealers can call:

- 615-744-4620
- 1-877-GUN-CHEK (1-877-486-2435) or
- log into the Web Access System at [https://tbibackgrounds.tbi.tn.gov/TBI TICS/](https://tbibackgrounds.tbi.tn.gov/TBI%20TICS/).

### **INCLEMENT WEATHER POLICY**

In the event of inclement weather (tornadoes, flooding, ice/snowstorms, etc.), TBI TICS employees will make their own individual decisions regarding their personal safety and travel to and from home to work and back.

No TBI TICS employee will be required to report to work if roads are unsafe or weather conditions are so extreme as to be dangerous.

Therefore, there is always a possibility that TBI TICS might not be fully staffed in such situations, thus causing a backlog in processing background checks for firearm purchases.

Once the extreme weather clears and TBI TICS employees can report to work, transactions will be handled as quickly as possible.

**ADDRESSES & PHONE NUMBERS**

**TBI TICS**

Tennessee Bureau of Investigation  
Attn: Instant Check Unit  
901 R. S. Gass Blvd.  
Nashville, TN 37216-2639  
877-486-2435 (Toll Free)  
615-744-4620  
615-744-4660 (fax)

**TBI BILLING ADDRESS**

Tennessee Bureau of Investigation  
Attn: Fiscal Services Unit  
901 R. S. Gass Blvd.  
Nashville, TN 37216-2639  
615-744-4142 or 4145  
615-744-4651 (fax)

**BATF & E FIREARM LICENSING CTR Bureau of ATF & E**

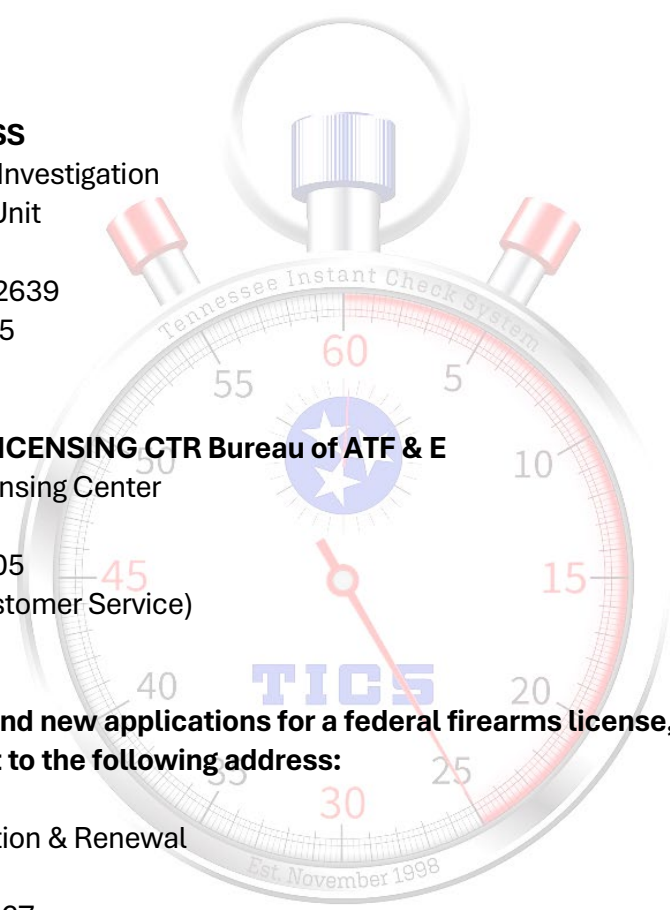
Federal Firearms Licensing Center  
244 Needy Rd.  
Martinsburg, WV 25405  
1-866-662-2750 (Customer Service)  
304-616-4600

**Note: For renewals and new applications for a federal firearms license, the application and fee must be sent to the following address:**

Bureau of ATF & E  
Attn: License Application & Renewal  
P.O. Box 409567  
Atlanta, GA 30384-9567

**BATF & E INDUSTRY OPERATIONS Bureau of ATF & E**

Ind. Operations-Nash. Field Office  
215 Centerview Drive, Suite 215  
Brentwood, TN 37027-5246  
615-565-1400  
615-565-0525 (fax)



**STATE OF TENNESSEE**

**POLICY OF NON-DISCRIMINATION**

“Pursuant to the State of Tennessee’s policy of non-discrimination, the Tennessee Bureau of Investigation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in, its programs, services or activities.”

Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to:

Tennessee Bureau of Investigation  
EEO/AA Coordinator or Officer  
901 R.S. Gass Blvd.  
Nashville, TN 37216-2639  
615-744-4000

ADA inquiries or complaints should be directed to:

Tennessee Bureau of Investigation  
ADA Coordinator  
901 R.S. Gass Blvd.  
Nashville, TN 37216-2639  
615-744-4000

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