

case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

(Added Pub. L. 103-159, title I, §104(a), Nov. 30, 1993, 107 Stat. 1543.)

Editorial Notes

REFERENCES IN TEXT

Section 103 of the Brady Handgun Violence Prevention Act, referred to in par. (1), is section 103 of Pub. L. 103-159, which is classified to section 40901 of Title 34, Crime Control and Law Enforcement.

§ 925B. Reporting of background check denials to State authorities

(a) IN GENERAL.—If the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) (referred to in this section as “NICS”) provides a notice pursuant to section 922(t) that the receipt of a firearm by a person would violate subsection (g) or (n) of section 922 or State, local, or Tribal law, the Attorney General shall, in accordance with subsection (b) of this section—

(1) report to the local law enforcement authority of the State or Tribe where the person sought to acquire the firearm and, if different, the local law enforcement authorities of the State or Tribe of residence of the person—

- (A) that the notice was provided;
- (B) the Federal, State, local or Tribal prohibition;
- (C) the date and time the notice was provided;
- (D) the location of the licensee where the firearm was sought to be transferred; and
- (E) the identity of the person; and

(2) where practicable, report the incident to State and local prosecutors or Tribal prosecutors in the jurisdiction where the firearm transfer was sought.

(b) REQUIREMENTS FOR REPORT.—A report is made in accordance with this subsection if the report is made under subsection (a) within 24 hours after the NICS denies a firearm transfer in accordance with section 922(t) of title 18, United States Code, except that the making of the report may be delayed for so long as is necessary to avoid compromising an ongoing investigation.

(c) AMENDMENT OF REPORT.—If a report is made in accordance with subsection (b) and, after such report is made, the Federal Bureau of Investigation determines that the receipt of a firearm by a person for whom the report was made would not violate subsection (g) or (n) of section 922 or State, local, or Tribal law, the Attorney General shall notify any law enforcement authority and any prosecutor to whom the report was made of that determination.

(d) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to require a report with respect to a person to be made to the same State authorities that made the original denial determination with respect to the transfer of the firearm.

(Added Pub. L. 117-103, div. W, title XI, § 1101(c), Mar. 15, 2022, 136 Stat. 919.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

§ 925C. Annual report to Congress

Not later than 1 year after the date of enactment of this section, and annually thereafter, the Attorney General shall submit to Congress a report detailing the following, broken down by Federal judicial district:

(1) With respect to each category of persons prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm who are so denied a firearm—

- (A) the number of denials;
- (B) the number of denials referred to the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (C) the number of denials for which the Bureau of Alcohol, Tobacco, Firearms, and Explosives determines that the person denied was not prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm;
- (D) the number of denials overturned through the appeals process of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901);
- (E) the number of denials with respect to which an investigation was opened by a field division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (F) the number of persons charged with a Federal criminal offense in connection with a denial; and
- (G) the number of convictions obtained by Federal authorities in connection with a denial.

(2) The number of background check notices reported pursuant to section 925B (including the number of the notices that would have been so reported but for section 925B(c)).

(Added Pub. L. 117-103, div. W, title XI, § 1102(a), Mar. 15, 2022, 136 Stat. 920.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 117-103, which was approved Mar. 15, 2022.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.