

19, 1986, see section 110(b) of Pub. L. 99-308, set out as a note under section 921 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-573 effective 15th day after Oct. 30, 1984, see section 214(a), (b) of Pub. L. 98-573, set out as a note under section 1304 of Title 19, Customs Duties.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, except subsecs. (a)(1) and (d) effective Oct. 22, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

EFFECTIVE DATE

Section effective 180 days after June 19, 1968, see section 907 of Pub. L. 90-351, set out as a note under section 921 of this title.

§ 925A. Remedy for erroneous denial of firearm

Any person denied a firearm pursuant to subsection (s) or (t) of section 922—

(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

(2) who was not prohibited from receipt of a firearm pursuant to subsection (g) or (n) of section 922,

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the 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