

Subsec. (b). Pub. L. 90-618 added licensed collectors to the enumerated list of licensees.

Subsec. (c). Pub. L. 90-618 substituted “imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and” for “under this chapter”, “to act in a manner dangerous to public safety” for “to conduct his operations in an unlawful manner,” and “licensed importer, licensed manufacturer, licensed dealer, or licensed collector” for “licensee”.

Subsec. (d). Pub. L. 90-618 made minor changes in phraseology, subjected ammunition to the authority of the Secretary in text preceding par. (1), substituted “section 5845(b)” for “section 5848(2)” in par. (2), substituted “section 5845(a)” for “section 5848(1)” and “excluding surplus military firearms” for “and in the case of surplus military firearms is a rifle or shotgun” in par. (3), inserted “or ammunition” after “the firearm” in par. (4), and authorized the Secretary to permit the importation of ammunition for examination and testing in text following par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title XVI, §1624(c), Feb. 10, 1996, 110 Stat. 522, provided that: “The amendments made by this section [amending this section and sections 4313 and 4316 of Title 10, Armed Forces, and repealing sections 4307, 4308, 4310, and 4311 of Title 10] shall take effect on the earlier of—

“(1) the date on which the Secretary of the Army submits a certification in accordance with section 1623 [former 36 U.S.C. 5523]; or

“(2) October 1, 1996.”

EFFECTIVE DATE OF 1988 AMENDMENT; SUNSET PROVISION

Amendment by section 2(c) of Pub. L. 100-649 effective 30th day beginning after Nov. 10, 1988, and amendment by section 2(f)(2)(C), (E) effective 35 years after such effective date, see section 2(f) of Pub. L. 100-649, as amended, set out as a note under section 922 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-308 applicable to any action, petition, or appellate proceeding pending on May 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