



REQUEST CHECKLIST AND SAMPLE QUESTIONS
FBI Criminal Justice Information Services Division
National Instant Criminal Background Check System Section
December 2017

Legal Analysis Team (LAT) Request Checklist

When possible, we ask that you consult with your legal counsel before contacting the LAT. State level legal counsel is often in the best position to respond to a question regarding applicability or interpretation of state law as it applies to a firearm transaction and firearm-related permit.

If you do contact the LAT, please utilize the checklist below:

- **For ALL REQUESTS, did you provide the following basic information:**
 - Your name, the agency you represent, and your contact information?
 - Date of arrest (DOA)?
 - Arresting agency (and jurisdiction in which offense occurred if different from arresting agency)?
 - Charge Literal of Offense?
 - Statute number of offense (if available)?
 - The state of residence and state of purchase of the buyer?
 - Detail of the question you have related to this DOA?

- **In addition to basic information for all requests, for a request where you have documentation related to the question, did you attach applicable:**
 - Court documents?
 - Incident reports?
 - Protection Orders?
 - Pardons and Restoration of Rights Documentation?

- **In addition to basic information for all requests, for Westdocket/Pacer requests, have you provided:**
 - The subject's FBI number?

Sample LAT Questions

Review for Prohibition(s)

18 United States Code (U.S.C.) Section 922(g)(1)–Crime Punishable by More than 1 Year or Misdemeanor Punishable by More than 2 Years

- Please provide level of offense.
- Please review (provide record/attached documentation name) to determine level of conviction.
- Does the conviction contained in (provide record/attached documentation name) meet 18 U.S.C. § 922(g)(1)?
- Does the information in documentation name (provide record/attached documentation name) establish a valid restoration of rights (ROR) for federal firearms rights previously lost under 18 U.S.C. § 922(g)(1)?
- Does the pardon contained in (provide record/attached documentation name) establish a valid pardon to restore federal firearms rights previously lost under 18 U.S.C. § 922(g)(1)?
- (California Wobbler)
 - Please review offense and conviction contained in (provide record/attached documentation name) to determine if this conviction is a valid reduction to a misdemeanor under 17 PC.

18 U.S.C. § 922(g)(2)–Fugitive from Justice

- Does the documentation in (provide record/attached documentation name) meet 18 U.S.C. § 922(g)(2)?

18 U.S.C. § 922(g)(3)–Unlawful User/Addicted to Controlled Substance

- Does the conviction shown on (provide record/attached documentation name) meet 18 U.S.C. § 922(g)(3) as a controlled substance conviction within the past year?
- Please review the attached incident report (provide record/attached documentation name) to determine if this establishes 18 U.S.C. § 922(g)(3) inference of use within the past year.
- Please review statute to determine if this offense can involve a controlled substance.
- Please review dates of arrest to determine if these meet 18 U.S.C. § 922(g)(3) multiple controlled substance arrests within past five years, most recent within the past year.

18 U.S.C. § 922(g)(4)–Adjudicated Mental Defective/Committed to Mental Institution

- Does the attached (provide record/attached documentation name) establish 18 U.S.C. § 922(g)(4)?
- Does the criminal history record/documentation (provide record/attached documentation name) containing the language (insert language here) establish 18 U.S.C. § 922(g)(4)?
- Does (provide record/attached documentation name) establish a valid 18 U.S.C. § 922(g)(4) restoration of rights?

18 U.S.C. § 922(g)(5)–Illegal/Unlawful Alien

- Does the information contained in (provide record/attached documentation name) establish 18 U.S.C. § 922(g)(5)?

18 U.S.C. § 922(g)(6)–Dishonorable Discharge

- Does the information contained in (provide record/attached documentation name) establish 18 U.S.C. § 922(g)(6)?

18 U.S.C. § 922(g)(7)–Renounced U.S. Citizenship

- Does the information contained in (provide record/attached documentation name) establish 18 U.S.C. § 922(g)(7)?

18 U.S.C. § 922(g)(8)–Protection/Restraining Order

- Please review (provide record/attached documentation name) to determine if this order meets 18 U.S.C. § 922(g)(8) element(s) (provide only the element(s) needed):
 - Hearing and opportunity to participate
 - Intimate partner relationship
 - Restrains future conduct
 - Credible threat or physical force

18 U.S.C. § 922(g)(9)–Misdemeanor Crime of Domestic Violence

Please review attached (provide record/attached documentation name) to determine if a qualifying relationship meets for 18 U.S.C. § 922(g)(9).

- Please review (provide record/attached documentation name) to determine if (statute and sub-section/act/ elements of conviction) meets the use or attempted use of physical force or threatened use of a deadly weapon element of 18 U.S.C. § 922(g)(9).

- Does the information in documentation (provide record/attached documentation name) establish a valid restoration of rights (ROR) for federal firearms rights previously lost under 18 U.S.C. § 922(g)(9)?
- Does the pardon contained in (provide record/attached documentation name) establish a valid pardon to restore federal firearms rights previously lost under 18 U.S.C. § 922(g)(9)?

18 U.S.C. § 922(n)–Under Indictment/Information for a Crime Punishable by More than 1 Year or Misdemeanor Punishable by More than 2 Years

- Please review (provide record/attached documentation name) to determine if this indicates an information or indictment that (if active) meets 18 U.S.C. § 922(n).

State Prohibitions

- Comparability
 - Please review the conviction shown (provide record/attached documentation name) to determine if this is a comparable conviction for purpose of (provide state name) comparability prohibition.
- Court ordered prohibition
 - Please review the attached court order (provide record/attached documentation name) to determine if this is a valid state prohibition under (insert state prohibition being researched here.)
- Other State Prohibitions
 - Please enter the nature of your state prohibition question not covered by one of the other categories.

Documentation Name and Record Review

Disposition review

- Does the (provide jurisdiction) disposition (provide term) in question indicate a conviction for federal firearms purposes?

Charge literal

- Please provide charge literal for (provide jurisdiction) statute (provide statute number or any information you have regarding this offense here).

Access Systems for Additional Information

Federal arrests

- Federal arrest Westdocket/PACER–Please run Westdocket and PACER for subject of federal arrest 1990 – present in order to determine (insert associated FBI number and information needed here).

Miscellaneous

General LAT question: Use this option ONLY if your question is not covered by one of the other choices available.

- Please enter your question for the LAT not covered by one of the other categories.