



REQUEST CHECKLIST AND SAMPLE QUESTIONS
FBI Criminal Justice Information Services Division National
Instant Criminal Background Check System Section
October 2021

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 (provide record/attached documentation name) meet 18 U.S.C. 922(g)(2) element 1 - felony or misdemeanor arrestable offense?
- Does the following (provide record/attached documentation name) meet 18 U.S.C. 922(g)(2) element 2 - the person has left the issuing state?
- Does the following (provide record/attached documentation name) meet 18 U.S.C. 922(g)(2) element 3 - intent/knowledge?

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

On January 22, 2026, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) published an Interim Final Rule (IFR) to the Federal Register, titled “Revising Definition of “Unlawful User of or Addicted to Controlled Substance.” See 91 Federal Register 2698. This IFR revised the “unlawful user of or addicted to a controlled substance” definition for purposes of the Gun Control Act. See e.g. 18 U.S.C. § 922(g)(3). The IFR became effective upon its publication date. See link below.

At this point in time, the FBI is unable to provide you with any further guidance on how to apply (or

not apply) the revised definition to a particular fact pattern. The NICS Section is actively working to adapt to and apply the revised definition and requests that your agency does its best to do the same. You may find some answers to some questions within the IFR's preamble (which discusses the history and why the changes were being made) or the case law cited therein. Please direct your questions of interpretation to your agencies' legal counsel unless and until the Department of Justice through the FBI or ATF is able to put out more nuanced guidance for this prohibition. Currently, there is no anticipated timeframe on when such guidance may become available.

<https://www.federalregister.gov/documents/2026/01/22/2026-01141/revising-definition-of-unlawful-user-of-or-addicted-to-controlled-substance>

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 / 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, to determine disposition and level of conviction. (insert associated FBI number and information needed here).

Miscellaneous

General LAT question: Use this option O NLY 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.