



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

June 5, 2014

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RE: Open Letter from the ATF of All West Virginia Federal Firearms Licensees

Dear County Sheriffs' Offices:

I am writing to update you on a recent development involving West Virginia concealed handgun licenses (CHLs). On June 3, 2014, the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") made a determination that West Virginia CHLs issued on or after June 4, 2014, will qualify as an alternative to the background check required under the Brady Law, 18 U.S.C. § 922(t). Enclosed for your reference is a copy of the ATF's open letter to West Virginia federal firearms licensees.

As our office discussed with the West Virginia Sheriffs' Association prior to this announcement, *it is important for you to note that the ATF's designation has no impact whatsoever on a sheriff's duties with respect to the issuance of any and all concealed handgun licenses.* Rather, this designation only impacts the responsibilities of federal firearms licensees when selling a firearm to West Virginians with a CHL issued on or after June 4, 2014.

As a result of the ATF's recent designation, we realize that you may have experienced an influx of questions from West Virginians with existing CHLs who are now interested in qualifying for the ATF's "Brady Exemption." *CHLs issued prior to June 4, 2014 are not grandfathered in under the ATF's designation, and thus do not qualify as an alternative.* In order for such license-holders to qualify, they would simply need to renew their CHL after the June 4, 2014, qualifying date. Consequently, you may encounter a number of licensees who would like to renew an existing CHL prior to its expiration date.

Again, county sheriffs do not have to do anything different to process these CHL applications or renewals. The ATF's designation does not change, in any way, your responsibilities under the West Virginia Code, including the required background checks set forth in W.Va. Code § 61-7-4(b).

If you would like additional information regarding the ATF's recent designation, or have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Heath, Jr.", written over a horizontal line.

Richard R. Heath, Jr.
Deputy Attorney General