



# NYS NICS Guide for Appeals



## Appealing a Denial

Any potential buyer or transferee shall have thirty days to appeal the denial of a background check, using an online form established by the New York State Police Superintendent.

You may submit an appeal request by going to: <https://nysnics.ny.gov> and clicking on the "Appeals" link on the left-hand navigation. Select the "Appeals Form"

Appellant will be required to enter their:

1. Complete Name
2. State Transaction Number (STN) for the Denied Transaction
3. Reason for Appeal

Upon receipt of an appeal, the New York State Police NICS unit shall provide the applicant a reason for the denial in writing within thirty days.

After receiving the reason for the denial from the New York State Police, you may appeal the denial determination to the New York State Office of the Attorney General.

## Record Challenges

In the event of a denial, you may challenge the accuracy of the record used in the determination of your denial to declare your rights to obtain a firearm have been restored, etc. If you have additional information (ex: court documentation) to assist the New York State Office of the Attorney General in correcting or updating your record, you should include the documentation with your written correspondence.

## Questions of Identity

You are entitled to question the identity of the criminal history record used as the basis of your denial by having your fingerprints taken or electronically scanned by law enforcement or an authorized fingerprinting agency. The agency preparing your fingerprints must provide an agency name, address, telephone number, and an Originating Agency Identifier number (assigned by the FBI) and the legible signature of the person who rolled your fingerprints on the fingerprint card. The reason fingerprinted should be marked "For NICS Purposes." Failure to provide any of the required information may result in the rejection of your appeal.

## Some Possible Prohibitors:

- ⊗ Has been convicted of a felony offense;
- ⊗ Is a fugitive from justice;
- ⊗ Is an unlawful user of or addicted to any controlled substance;
- ⊗ Has been adjudicated as a mental defective or has been committed to a mental institution;
- ⊗ Is illegally or unlawfully in the United States, or has been admitted to the United States under a nonimmigrant visa (with limited exceptions);
- ⊗ Has been discharged from the Armed Forces under dishonorable conditions;
- ⊗ Has renounced U.S. citizenship, after having been a citizen of the United States;
- ⊗ Is subject to a qualifying order of protection that restrains the purchaser from harassing, stalking, or threatening an intimate partner or child of such intimate partner;
- ⊗ Has been convicted of a misdemeanor crime of domestic violence; or
- ⊗ Is under indictment for a felony offense.