
CHAPTER 7—SPECIAL FLAGS AND RECORD CYCLES

SECTION 7.1—IDENTIFICATION FOR FIREARMS SALES (IFFS)

7.1.1 INTRODUCTION

This chapter describes the design of the Identification for Firearms Sales (IFFS) Program and includes the necessary programming changes, record response processing, and status flag maintenance that must occur after an Interstate Identification Index (III)/National Fingerprint File (NFF) state becomes an IFFS participant. The FBI's CJIS Division encourages federal and state agencies to participate in the III IFFS program to enhance NICS check capabilities nationwide.

After the implementation of the National Instant Criminal Background Check System (NICS) in 1998, most criminal justice agencies no longer use the III to conduct background checks on prospective applicants for firearms purchases (Purpose Code F). However, certain circumstances still require the use of Purpose Code F in firearms related checks, such as:

- A. Issuing firearms related permits and explosives permits pursuant to state law, regulations, or local ordinances.
- B. Returning firearms to their lawful owners.
- C. Enforcing federal and state laws prohibiting certain persons with criminal records from possessing firearms in circumstances in which firearms have been pawned.

7.1.2 IFFS SYSTEM DESIGN

The IFFS system design uses III flags to indicate whether an individual's criminal history record(s) may contain federally disqualifying information pursuant to the Brady Handgun Violence and Prevention Act of 1993. This design includes two unique flags are used to indicate incorporated in the flagging system. The FBI's CJIS Division and the III/NFF states use these flags to maintain the disqualifying status of criminal history records when conducting firearms related III checks using Purpose Code F. However, users will not see the flags because they will be interpreted in the III response. The flags are:

- **D**—used when the subject's record contains one or more firearms disqualifier(s). When an IFFS flag is set to "D", then an immediate denial may be made. The interpretation for "D" on the III response will display as follows:

VIRGINIA - STATE ID/VA1212126 - DISQUALIFICATION FOR FIREARMS

- **X**—used when the status of the record is unknown. This is the default flag. This status is also used in cases when a criminal history record has not been reviewed to determine if the other IFFS status flag applies. The interpretation for "X" on the III response is as follows:

GEORGIA

STATE ID/GA3332345

UNKNOWN

The IFFS program participants should set a flag value of D whenever a subject has a firearm disqualifier within the record. The Gun Control Act of 1968 states that a person is disqualified from purchasing a firearm if the person has one of the prohibitions listed below. The records of individuals whose convictions have been expunged, set aside, or for which the person has been pardoned, or had his or her civil rights completely restored are excluded from this disqualification.

The federal firearm prohibitions against possession/purchase/receipt are found in Title 18, United States Code (U.S.C.) §§922(g) and (n). Further definitions of these prohibitions are found in 18 U.S.C. §921 and §922(y) and 27 *Code of Federal Regulations* (CFR) §178.11. The general categories for NICS prohibitors may be reviewed at <www.fbi.gov/nics> are:

- A. Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year. This includes misdemeanors that are punishable by a term of imprisonment exceeding 2 years. This statutory prohibition is under 18 U.S.C. §§922(g)(1), and 921(a)(20). The potential maximum term of imprisonment authorized under the convicting statute, not the sentence actually imposed by a court, triggers this prohibition.
- B. Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding 1 year. This statutory prohibition is under 18 U.S.C. §922(n) and 27 CFR §178. This includes persons under indictment or information for misdemeanors punishable by a term of imprisonment exceeding 2 years.
- C. Persons who are fugitives from justice under 18 U.S.C. §922(g)(2). This includes persons subject to warrants for both misdemeanor and felony offenses. There is no requirement that extradition be requested.
- D. Persons who are unlawful users of or addicted to any controlled substance, as defined in section 102 of the Controlled Substances Act, 21 U.S.C. §802, and under 18 U.S.C. §922(g)(3). This prohibition includes any person who is a current user of a controlled substance. An inference of current use may be drawn from recent use or possession of a controlled substance: e.g., a positive drug test upon arrest or during probation within the past year, a conviction for use or possession of a controlled substance within the past year, or multiple arrests for such offenses within the past 5 years if the most recent arrest occurred within the past year under 27 CFR §178.
- E. Persons who have been adjudicated as mental defectives or have been involuntarily committed to a mental institution. Adjudication is a determination made by a court, board, commission, or other lawful authority that a person, as a result of subnormal intelligence, mental illness, incompetency, condition, or disease, is a danger to

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- ~~himself/herself or others or lacks the mental capacity to contract or manage his/her own affairs. This prohibition includes a finding of insanity by a court in a criminal case. This prohibition applies even if the individual has subsequently been declared sane, competent, cured, or no longer a danger to himself/herself or others, unless the jurisdiction has a Bureau of Alcohol, Tobacco, Firearms and Explosives approved relief from disabilities program pursuant to the NICS Improvement Amendments Act of 2007. This statutory prohibition is under 18 U.S.C. §922(g)(4).~~
- F. ~~Persons who are: (1) illegal or unlawful aliens or (2) have been admitted to the United States under a nonimmigrant visa and who do not qualify for the exceptions or possess a waiver from the Attorney General of the United States as provided in 18 U.S.C. §922(y)(2). This statutory prohibition is under 18 U.S.C. §922(g)(5).~~
- G. ~~Persons who have been discharged from the Armed Forces under dishonorable conditions. This statutory prohibition is under 18 U.S.C. §922(g)(6).~~
- H. ~~Persons who have renounced their United States citizenship. This statutory prohibition is under 18 U.S.C. § 922(g)(7).~~
- I. ~~Persons who are subject to a court order restraining them from committing an act of domestic violence. The order must have been issued after a hearing during which the restrained person received actual notice of the hearing and had an opportunity to participate. The restrained individual needs only to have an opportunity to participate in the hearing. Consequently, failure to appear at the hearing or consenting to the entry of the order without a hearing does not affect this prohibition. Consent orders and orders entered by a court upon the respondent's failure to appear qualify as an "opportunity of participate in a hearing" and meet the criteria for the prohibition.~~
- ~~The court order must restrain the person from harassing, stalking, or threatening an intimate partner, the child of the intimate partner or the respondent, or restrain the individual from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the partner or child. The order must: (1) include a finding that the restrained person represents a credible threat to the physical safety of the intimate partner or child or (2) explicitly prohibit the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury. (For the definition of "intimate partner," refer to 18 U.S.C. §921(a)(32) and 27 CFR §178). It is immaterial whether the issuing court has determined that the order is subject to the federal firearm prohibitions; this is an independent determination under federal law, not state law. Consequently, if the order meets federal criteria, the order must be submitted as a disqualifying record. This statutory prohibition is under 18 U.S.C. §922(g)(8).~~
- J. ~~Persons who have been convicted in any court of a misdemeanor crime of domestic violence (MCDV). The term MCDV includes offenses that are classified as a misdemeanor under state or federal law (including municipal ordinances), or in states~~
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~~that do not classify offenses as misdemeanors, the definition includes any state or local offense punishable by imprisonment for a term of 2 years or less, or punishable by a fine. The offense must also have, as an element of the offense, the use or attempted use of physical force or the threatened use of a deadly weapon. The convicting statute need not include terms such as “domestic violence,” nor is there a requirement of actual physical injury. Consequently, examples of potentially qualifying offenses are simple assault, battery, offensive touching, sexual abuse, affray, and disorderly conduct.~~

~~In addition to the elements discussed above, the offense must have been committed by a current or former spouse; by a parent or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with, or has cohabited with, the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent, or guardian. Qualifying relationships include same-sex relationships. The relationship between victim and defendant need not appear as an element of the convicting statute but can be determined independently by reference to court documents (including plea colloquies or sentencing transcripts), police reports, charging documents, or other official sources. For further definitions, see 18 U.S.C. §921(a)(33), and 27 CFR §178. This statutory prohibition is under 18 U.S.C. §922(g)(9).~~

7.1.3 RECORD RESPONSE PROCESSING

Although response headers for firearm requests (QR [Query Record] request messages) did not change with the implementation of the IFFS Program, response headers for firearm-related inquiries (QH [Query Index] inquiry message) did change. The first character of the inquiry response header begins with a unique alphabetic character that readily identifies (1) if a subject is disqualified from purchasing a weapon, or (2) if the circumstances require a review of the criminal history record to make a determination. The header characters used in these instances are the alphabetic characters D and L. Messages transmitted in response to firearms-related QH inquiries finding no criminal history records indexed in the III continue to use a response header beginning with the alphabetic character N.

The IFFS Program uses flags D or X to ~~record~~ indicate the correct status flag in criminal history records. However, these alphabetic characters are not quoted in the responses. Instead, the literal translation for the status flags is displayed immediately following the FBI UCN and/or each SID Number on all QH inquiries and QR record request responses when III transactions are made for firearms-related checks.

The following subsections provide examples of the unique responses for these inquiries.

7.1.3.1 RECORD RESPONSE FOR NO RECORD ON FILE

When no record information is identified for a record subject, the alphabetic character N will be the first character of the response header in a firearms-related QH inquiry single candidate response.

NL01HEADERXXXX01234

DCFBIWA10

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX
(III) FOR NAM/TEST,JANE.DOB/19740103.RAC/W.SEX/F.PUR/F.
END

7.1.3.2 RECORD RESPONSE FOR DISQUALIFYING INFORMATION

When a subject's record contains disqualifying information, the alphabetic character D will be the first character of the response header in a firearms-related QH inquiry single candidate response, and the IFFS flag will be D.

DL01HEADERXXXX01234

DCFBIWA10

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF
YOUR INQUIRY ON NAM/TEST,JANE DOB/19740103 RAC/W SEX/F PUR/F

NAME	FBI NO.	INQUIRY DATE
TEST,JANE	9009900	2014/01/02

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE	PHOTO
F	B	1974/01/03	506	125	BRO	BRO	UTAH	N

FINGERPRINT CLASS	PATTERN CLASS
PI 61 08 CI 14	RS LS RS RS LS LS RS RS LS LS
70 22 63 PO 09	AU WU AU AU WU AU

SCARS-MARKS-TATTOOS	SOCIAL SECURITY
GLASSES	244-54-1212
TAT L ARM	

IDENTIFICATION DATA UPDATED 2009/01/29

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:

VIRGINIA	- STATE ID/VA1212126	- DISQUALIFICATION FOR FIREARMS
GEORGIA	- STATE ID/GA3332345	- UNKNOWN

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

7.1.3.3 RECORD RESPONSE FOR UNKNOWN STATUS

When the status of a subject's record is unknown (including circumstances when there is no disqualifying information, but there is a pending final disposition), the alphabetic character L will be the first character of the response header in a firearms-related QH inquiry single candidate response, and the IFFS flag will be X.

NOTE: The alphabetic character L is also used when the QH inquiry response is a multiple candidate response regardless of the presence or absence of a disqualifying conviction in any of the records.

LL01HEADERXXXX01234

DCFBIWA10

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR INQUIRY ON NAM/TEST,JEAN DOB/19740103 RAC/W SEX/F PUR/F

NAME	FBI NO.	INQUIRY DATE
TEST,JEAN	9066600	2014/01/02

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE	PHOTO
F	B	1970/01/03	506	125	BRO	BRO	UTAH	N

FINGERPRINT CLASS	PATTERN CLASS
PI 61 09 CI 14	RS LS LS RS LS LS RS RS LS LS
70 22 63 PO 08	AU WU AU AU WU AU

SCARS-MARKS-TATTOOS	SOCIAL SECURITY
GLASSES	241-54-1212
TAT L ARM	

IDENTIFICATION DATA UPDATED 2009/01/29

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE FOLLOWING:

FBI	- FBI/9066600	- UNKNOWN
SOUTH CAROLINA	- STATE ID/SC0012344	- UNKNOWN

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

7.1.4 INITIAL SETTING AND MAINTENANCE OF IFFS STATUS FLAGS

Both the states and the FBI have a part in setting IFFS status flags in III records. When the program was implemented in 1992, the FBI set the unknown value of X in all existing III records. Since then, the FBI sets X flags for all new criminal fingerprint submissions received from State Identification Bureaus (SIBs) and other contributors. This occurs either when the FBI establishes a III record for the first time (no identification [a “nonident”]) or when the fingerprint submission is identified with an existing record and is the first arrest for a state. It is then the IFFS participating state’s responsibility to modify the X flag when the disposition becomes available and the IFFS status changes.

III/NFF states anticipating IFFS participation should notify the III staff at the FBI's CJIS Division by e-mail at <fbi-iii@leefbi.gov> as far in advance as possible. The CJIS Division's staff will provide standards to the state agency wishing to be an IFFS participant. That each state agency must agree to ~~before these standards, or the CJIS Division's staff will not enrolling the state agency as an III IFFS program participant.~~ These standards are listed in [Section 7.1.6](#) of this chapter.

IFFS participating states have two ~~methods means of to~~ changing the IFFS status flag: (1) an online EHN update message (which is explained below) containing the appropriate matching criteria and the Message Field Code (MFC) IFS/ followed by the appropriate status flag or (2) a computer medium with EHN (Enter Supplemental Identifiers) update messages submitted to the FBI's CJIS Division in the appropriate message format. III/NFF states having large volumes of IFFS status flags and are contemplating submission of a computer medium should also contact the III staff at the FBI's CJIS Division by e-mail at <fbi-iii@leefbi.gov> for testing purposes prior to the submission of the medium.

The following example shows an EHN update message followed by a list of the fields that are contained in it and the MFC that the agency must use. MFCs shown as two hyphens (--) indicate mandatory positional fields that do not permit the use of an MFC. If an agency uses an MFC in that field, the III will transmit a reject message.

Message:

```
2L01HEADERXXX01234.EHN.MNBCA0000.MN82009700.9000005.IFS/
```

Explanation:

<u>Message Segment</u>	<u>Field</u>	<u>MFC</u>
2L01HEADERXXX01234.	Header	--
EHN.	Message Key	--
MNBCA0000.	Designated State Agency Identifier	--
MN82009700.	SID	--
9000005.	FBI UCN	--
IFS/	IFFS Status Flag	IFS/

The state agency should fill the blank field after IFS/ with a D or X. Receipt of this EHN update message will modify the IFS Status Flag in the state's record in the III.

After a state has set an IFFS Status Flag in a record, the flag will remain there until the state changes the flag, as long as the state's SID Number is not expunged.

7.1.5 ADDITIONAL SYSTEM CHANGES

With the implementation of the IFFS Program, the \$.A.CON (FBI UCN Consolidation) unsolicited message indicates when the participating state agency modifies the IFFS flag. In addition, the III adds the IFFS status to the response to a ZI (Record Maintenance) inquiry message and the response to the MRS (Modify Record SID) modification accept message. An example of the \$.A.CON unsolicited message follows:

```
$.A.CON.SID/FL00000113.FBI/9000005.NCIC III RECORD CONSOLIDATION  
CANCEL.SID/FL00000123.FBI/9000006.IFS STATUS IS UNKNOWN. IF A REVIEW OF THE  
CONSOLIDATED RECORD INDICATES THAT IFS IS INCORRECT, SUBMIT EHN TO CORRECT  
STATUS
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The message below illustrates a positive response to a ZI inquiry that the III modified to include the IFFS status for each III pointer:

```
9L01HEADERXXXX01234  
DCFBIWAA2  
IDENTIFICATION SEGMENT III RECORD OF FBI/9005500 2013/01/28  
HARRY,TOM DICK M W IL DOB/19550920 HGT/601 WGT/190  
EYE/BLU HAI/BRO SMT/TAT L ARM SOC/352772056 FPC/POPMCI18171615141312  
ADDITIONAL IDENTIFIERS -  
DOB/19550511  
AKA/RICHARDS,THOMAS HAROLD HARRY,TOM D TESTING,MULTISTATE III  
AKA/QTEST,EUGENE D  
DLU/201220204 DRE/20091028  
III FLAGS/C8  
WY16752(19900103)(IFS/X) NY5015487N(19891031)(IFS/X)  
US**092055(19891031)(IFS/X) AK00999664(19910806)(IFS/X)  
BASED ON FBI NUMBER ONLY  
THIS RECORD CAN BE USED FOR ADMINISTRATIVE PURPOSES ONLY AND CANNOT BE  
DISSEMINATED FOR ANY OTHER PURPOSE.  
END
```

An accept message sent in response to the MRS modification message includes the IFFS status of the record. The IFFS status displays on the last line of the MRS modification accept message.

```
KL01HEADER11111011212  
WAWSP0000  
ACCEPT SID/WA232345 FOR FBI/9045000  
III RECORD IS SINGLE-STATE  
IFS/X
```


7.1.6 IFFS PARTICIPATION STANDARDS

Originally, participation in the IFFS Program was voluntary for states that had the technical capability to set and maintain IFFS flags attached to III state SID pointers and no other participation standards were required. In June 2015, the CJIS Advisory Process Board (APB) recommended that the CJIS Division adopt standards for state agencies to participate in the IFFS Program. The program is still voluntary, but participating states must agree to the standards to maintain the integrity and accuracy of the IFFS Program. If state agencies do not agree to these standards, the CJIS Division's staff will not enroll the agencies in the IFFS Program. The following participation standards were adopted:

1. States may choose to opt in or out of participating in the IFFS Program. If opting out of participation initially, the state must ensure that all flags are set to note that the IFFS status is "unknown" at this point.

If a state chooses to opt in, it may choose either a "day-one forward" approach to set and maintain the IFFS flags, or it may choose a time from when the records will be reviewed and the IFFS flags set. Otherwise, the IFFS flag will be "X" until modified.

If a state opts out of the program after a period of participation, any flags set during participation will remain, but a means will be in place for the III staff at the CJIS Division to modify an IFFS flag from a "D" to an "X" once no proven federal disqualifiers appear on the criminal history record.

2. An IFFS Program participant shall ensure IFFS flags are set and maintained in accordance with 18 U.S.C. § 922 (g) and (n), as well as other applicable federal laws. States will use only federal prohibitors to set the IFFS flag as "disqualified," not state prohibitors. If a state agency sets an IFFS flag to a "D," the state agency must have federally disqualifying information on the record.
- 2-3. An IFFS Program participant shall verify accuracy of the IFFS flags via the III Synchronization process. During the III synchronization, participants shall ensure the state maintained record reflects the same IFFS Flag status in order to maintain consistency and accuracy.
3. ~~An IFFS Program participant shall ensure IFFS flags are set and maintained in accordance with 18 U.S.C. § 922 (g) and (n), as well as other applicable federal laws.~~
4. Participants shall accurately set and maintain the IFFS flags in accordance with maintenance processes currently available via the III/NFF program participation (Enter Supplemental Identifier(s) Message Key [MKE], III Disposition MKE, Machine Readable Data). States will ensure that IFFS flags entered on the record are available via the III.

~~5. During the III synchronization, participants shall ensure the state maintained record reflects the same IFFS Flag status in order to maintain consistency and accuracy.~~

~~States will use only federal prohibitors to set the IFFS flag as “disqualified,” not state prohibitors. If a state agency sets an IFFS flag is set to a “D,” the state agency must have federally disqualifying information on the record.~~

7.5. Once a court disposition, and/or subsequent post-conviction data, is posted to a record, the state agency should correctly update the corresponding IFFS flag in the III simultaneously.

~~8. States will ensure that IFFS flags are entered on the record are available via the III.~~

9.6. The CJIS Audit Unit staff will review standards of IFFS flags for participating states during the regularly scheduled III audit and report such findings as necessary to the state agency.

7.1.6 III AUDIT (SYNCHRONIZATION) RECORD LAYOUT

The III requires states to conduct biannual audits of its III records via a III synchronization. The FBI provides an electronic copy of the state’s data in the III and its current III status. The state agency must compare pertinent information against the state’s records to identify discrepancies. An IFFS status flag (alphabetic character D or X) is designated in position 84 in the record layout for III audit records. III/NFF states that do not participate in the IFFS flagging program may ignore this position. The alphabetic character D in position 84 indicates that the subject of the record includes a firearm disqualification, and X denotes that the status of the record is unknown. If the IFFS participating state detects a discrepancy in the IFFS flag, the state must forward an EHN update message to modify the flag. Detailed information regarding the III synchronization process is in [Appendix S](#) of this manual.