

**Subject:** ATF Response  
**From:** <Edward.C.Courtney@usdoj.gov>  
**Date:** 1/3/18, 1:17 PM  
**To:** <keith@williamslawonline.com>

Mr. Williams: Thank you for your recent inquiry to ATF. Attached are two documents: the first is your actual request and our response to it. The second is a document showing NC as a certified State Relief Program. Thank you for your inquiry and I trust our answer is responsive. Thank you.

Ed Courtney

— Attachments: —

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Williams.docx	13.8 KB
NIAA List of Certified State Relief Programs - 12-31-16.docx	19.5 KB

**From:** Keith Williams [<mailto:keith@williamslawonline.com>]  
**Sent:** Tuesday, January 2, 2018 1:45 PM  
**To:** [FIPB.Regulatory.Email.Inquiries@usdoj.gov](mailto:FIPB.Regulatory.Email.Inquiries@usdoj.gov)  
**Subject:** firearm rights after involuntary commitment

My name is Keith Williams. I am a criminal defense attorney in North Carolina.

My question regards restoration of firearm rights following an involuntary mental health commitment. Specifically, does ATF deem North Carolina's restoration statute sufficient to satisfy the NICS Improvement Amendments Act of 2007, Public Law 110-180? The restoration statute was initially codified as North Carolina General Statute § 122C-54.1. It was recodified in 2015 as § 14-409.42.

The relevant portion of the NICS Improvement Amendments Act is Section 105(b): “If, under a State relief from disabilities program implemented in accordance with this section, an application for relief . . . is granted with respect to an adjudication or a commitment to a mental institution . . ., the adjudication or commitment . . . is deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.”

Thanks,

Keith Williams

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Keith A. Williams  
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This message is confidential and privileged and intended only for the individual(s) named above. If you receive it in error, please notify our office. Thank you.

Mr. Williams:

The previous statute, N.C. GEN. STAT. § 122C-54.1 is certified as a State NIAA Relief Program (see attached). North Carolina replaced this section with § 14-409.42 in 2015. Section 14-409.42 is the same as the previous section 122C-54.1 with the exception of a change to the statutory cross-reference (highlighted) for reporting mental health information to NICS. North Carolina repealed and replaced this section cross-referenced, thus the change in the reference from “(d1) of G.S. 122C-54” to “subsection (a) of G.S. 14-409.43.”

The NIAA program “permits a person who, pursuant to State law, has been adjudicated as described in subsection (g)(4) of section 922 of Title 18, or has been committed to a mental institution, to apply to the State for relief from the disabilities imposed by subsections (d)(4) and (g)(4) of such section by reason of the adjudication or commitment.” 34 U.S.C.A. § 40915 (West). Since section 14-409.42 is substantially the same as its predecessor, it would qualify for relief from the prohibitions under § 922(d)(4) and (g)(4). The substance of the statute was reviewed and confirmed as qualifying as a valid NIAA state relief program.

**NICS Improvement Amendments Act of 2007**  
**List of States with Qualified 922(d)(4)/(g)(4) Relief Programs**

**2009 Approved Certifications (3)**

**Statutory Authority**

Nevada	Nevada Revised Statutes § 179A.163
New York	New York Consolidated Laws § 13.09(g)
Oregon	O.R.S. § 161.387(1); Oregon PSRB Order #2-2011

**2010 Approved Certifications (6)**

Florida	Florida Statutes § 790.065(d)
Idaho	Idaho Code § 66-356
Illinois (through Illinois State Police)	Illinois Code § 430 ILCS 65/10(c)
New Jersey	New Jersey Statutes §§ 30:4-80.8 – 30:4-80.10
Texas	Texas Code § 574.088
Wisconsin	Wisconsin Statutes §§ 51.20, 51.45, 54.10, 55.12

**2011 Approved Certifications (6\*)**

Arizona	Arizona Revised Statutes § 13-925
<del>Connecticut*</del>	<del>Connecticut General Statutes § 45a-100</del>
Iowa	Iowa Code § 724.31
Kansas	Kansas Statutes § 75-7c27
Kentucky	Kentucky Revised Statutes § 237.108
North Dakota	North Dakota Century Code § 62.1-02
Virginia	Virginia Code §§ 18:2-308.1:1 – 18:2-308.1:3

**2012 Approved Certifications (4)**

Indiana	Indiana Code §§ 33-23-15-1 - 33-23-15-3
Nebraska	Nebraska Revised Statutes § 71-963
Missouri	Missouri Revised Statute § 571.092
West Virginia	West Virginia Code § 61-7A-5

**2013 Approved Certifications (4)**

Alabama	Alabama Code § 22-52-10.8(b)
Delaware	11 Delaware Code § 1448A(j); 15 DE Reg. 1286
Louisiana	Louisiana Revised Statutes § 28:57
Maryland	Code of Maryland § 5-133.3

**2014 Approved Certifications (4)**

Alaska	Alaska Statutes § 47.30.851
Hawaii	Hawaii Revised Statutes § 134
South Carolina	South Carolina Code of Laws § 23-31-1030
Utah	Utah Code § 76-10-532

**2015 Approved Certifications (2)**

Oklahoma	Oklahoma Statutes § 21 O.S. 1290.11
Tennessee	Tennessee Code Annotated § 16-10-213

**2016 Approved Certifications (2)**

Massachusetts	MA General Laws Section 35 of Chapter 123 (1/1/15 effective date)
North Carolina	North Carolina Gen. Stat. § 122C-54.1

**Other Qualified Relief Programs (but not State Certified)**

Colorado	Colorado Revised Stat. § 13-5-142.5
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**\*Connecticut's 2011 certification is no longer considered qualified or approved by ATF due to 2013 changes in CT Mental Health Law. CT must reapply to ATF for approval.**

**Total State Certified and ATF Approved Relief Programs: (31)**

**Total Qualified Relief Programs (32)**

**Updated: 1/9/17**