

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS)

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: The National Instant Criminal Background Check System (NICS) is a national background check system used to check available records to determine if an individual might be barred by federal or state laws from possessing a firearm. The NICS is operated by the Federal Bureau of Investigation, and records are submitted by state and federal agencies. An individual might be barred by federal law from possessing a firearm for several reasons including: a felony conviction, being in the U.S. illegally or unlawfully, dishonorable discharge for the U.S. Armed Services, being subject to a restraining order for violence against an intimate partner or child, a domestic violence conviction, or being adjudicated as a mental defective or having been committed to a mental institution, among other reasons. [The term “mental defective” is used in federal law, which is why this document uses the term.]

Legislative Services Division Materials:

[Background Paper:](#) States with ATF Approved Relief From Disabilities Programs, April 2014

[Examples](#) of Relief from Disabilities Provisions in Other States, April 2014

Other Materials:

[Presentation](#) from Montana Department of Justice staff, Sept. 2013

[Presentation on NICS](#) from Federal Bureau of Investigation staff, Sept. 2013

[Presentation on Relief from Disabilities Provisions](#) from Bureau of Alcohol, Tobacco, and Firearms staff, Sept. 2013

[NICS Overview Brochure](#) from Federal Bureau of Investigation

Introduced Legislation

2017

[House Bill No. 480](#) -- (H) Died in Standing Committee -- AN ACT GENERALLY REVISING CRIMINAL LAWS; PROVIDING A PROCEDURE FOR PEOPLE WHO HAVE LOST THEIR RIGHT TO POSSESS A FIREARM DUE TO A DETERMINATION OF A MENTAL DISEASE OR DEFECT TO REGAIN THEIR RIGHT TO POSSESS A FIREARM; REQUIRING A DISTRICT COURT GRANTING A PETITION TO RESTORE A PERSON'S RIGHT TO POSSESS A FIREARM OR MAKING ANY TYPE OF FINDING THAT A PERSON SUFFERS FROM A MENTAL DISEASE OR DEFECT OR IS AN INCAPACITATED PERSON TO FORWARD A COPY OF THE ORDER TO THE DEPARTMENT OF JUSTICE; REQUIRING THE DEPARTMENT OF JUSTICE TO UPDATE THE FEDERAL BUREAU OF INVESTIGATION AND THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; AND AMENDING SECTIONS 44-2-206 AND 53-21-166, MCA.

2015

[House Bill No. 530](#) -- (H) Missed Deadline for General Bill Transmittal -- AN ACT GENERALLY REVISING CRIMINAL LAWS; PROVIDING A PROCEDURE FOR PEOPLE WHO HAVE LOST THEIR RIGHT TO POSSESS A FIREARM DUE TO A DETERMINATION OF A MENTAL DISEASE OR DEFECT TO REGAIN THEIR RIGHT TO POSSESS A FIREARM; REQUIRING A DISTRICT COURT GRANTING A PETITION TO RESTORE A PERSON'S RIGHT TO POSSESS A FIREARM OR ANY TYPE OF FINDING THAT A PERSON SUFFERS FROM A MENTAL DISEASE OR DEFECT OR IS AN INCAPACITATED PERSON TO FORWARD A COPY OF THE ORDER TO THE DEPARTMENT OF JUSTICE; REQUIRING THE DEPARTMENT OF JUSTICE TO UPDATE THE FEDERAL BUREAU OF INVESTIGATION AND THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM; AND AMENDING SECTIONS 44-2-206 AND 53-21-166, MCA.

2013, 2011, and 2009

None.