



Federal Bureau of Investigation

National Instant Criminal

Background Check System

(NICS)

Presented by:

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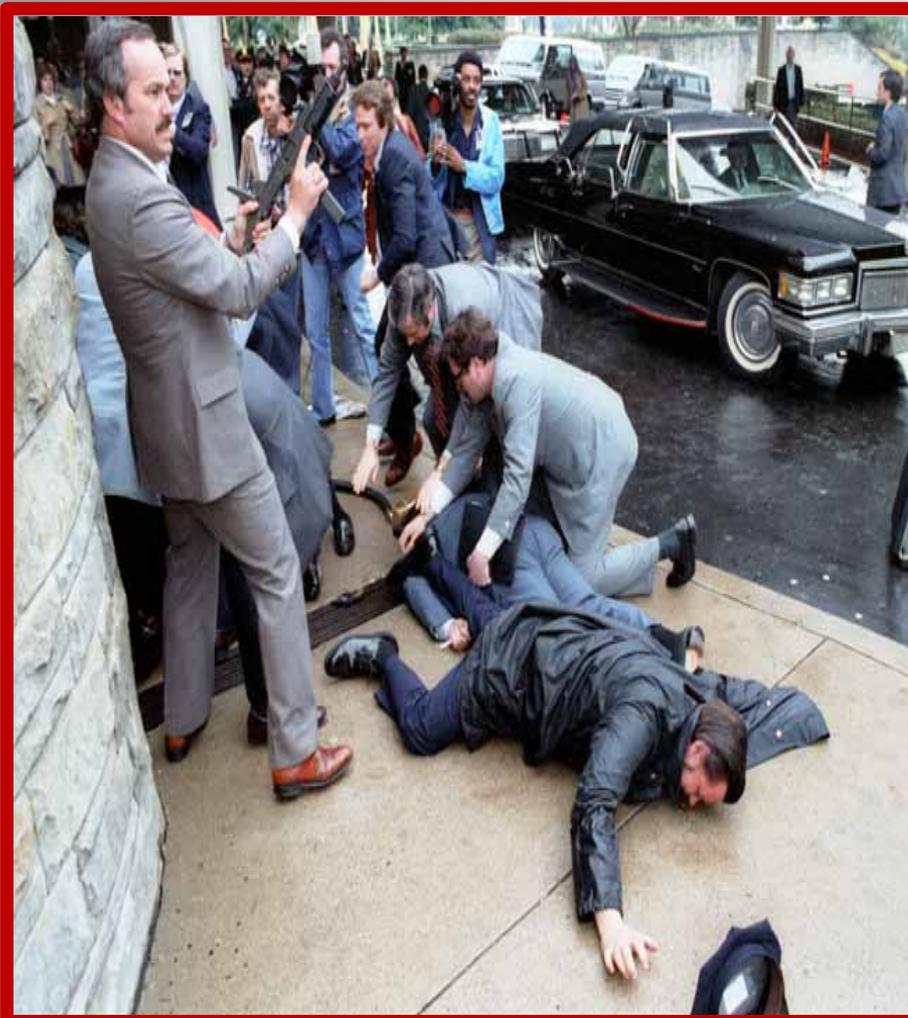


NICS MISSION STATEMENT

To enhance national security and public safety by providing the timely and accurate determination of a person's eligibility to possess firearms and/or explosives in accordance with federal law.

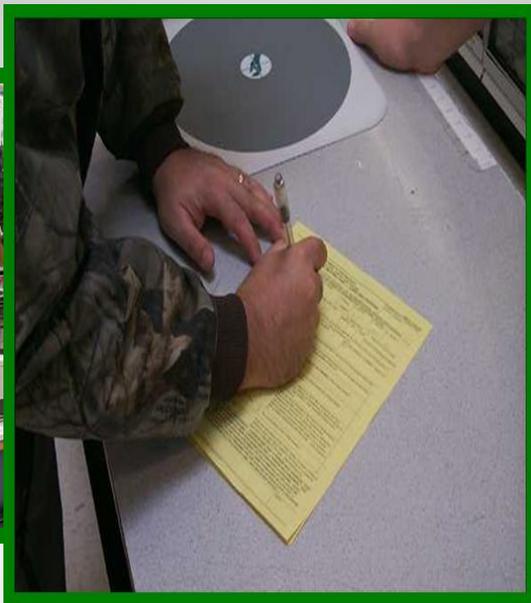


The Brady Handgun Violence Prevention Act of 1993 (Brady Act), approved by Congress on November 30, 1993, amended the Gun Control Act of 1968.





The NICS Process . . .



Federal Firearms Licensees (FFL) contact the NICS by telephone, or other electronic means, for information to be supplied immediately on whether receipt of firearms violates state or federal law.

When an FFL initiates a background check, a search is conducted based on name and required descriptive data.



Types of Records Searched by the NICS

**Interstate
Identification
Index (III)**

**Criminal Records
66,679,543**

**National Crime Information
Center (NCIC)**

- Wanted Persons
- Protection Orders
- Immigration Violators
- Foreign Fugitive
- Supervised Release
- National Sex Offender
Registry
- Gang File
- Known or Appropriately
Suspected Terrorist (KST)

5,463,159 Records

NICS Index

- Felony/Misdemeanor
punishable by 2 years
- Indictment/Information
- Fugitive from Justice
- Controlled Substance
- Mental Defective/Commitments
- Illegal/Unlawful Aliens
- Dishonorable Discharge
- Renounced Citizens
- Protection/Restraining Orders
- Misdemeanor Crimes of
Domestic Violence

11,166,690 Records

**Department of Homeland Security
U.S. Immigration and Customs
Enforcement (ICE)**

On transactions initiated for Non-U.S.
Citizens, an Immigration Alien Query (IAQ)
will be requested through the ICE.



Call Center Processing



The NICS Section has three Call Centers:

- **Barbourville, Kentucky**
- **Fort Worth, Texas**
- **Wheeling, West Virginia**

- **No match—Proceed**
- **Valid match—transferred to the NICS Section for further review**
- **Prohibiting information is discovered—Deny**
- **Status cannot be determined—Delay**



THE GUN CONTROL ACT

18 U.S.C. 922(g) & (n)

- (g)(1) Are Convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year**
- (g)(2) Are Fugitives From Justice**
- (g)(3) Are Unlawful Users of or Addicted to Any Controlled Substance**
- (g)(4) Have Been Adjudicated as Mental Defectives or Been Committed to a Mental Institution**
- (g)(5) Are Aliens and Are Illegally or Unlawfully in the United States**
- (g)(6) Have Been Discharged From the Armed Forces Under Dishonorable Conditions**
- (g)(7) Have Renounced Their U. S. Citizenship**
- (g)(8) Are Subject to a Court Order Restraining Them From Committing Domestic Violence**
- (g)(9) Have Been Convicted in Any Court of a Qualifying Misdemeanor Crime of Domestic Violence**
- (n) Are Under Indictment/Information for a Crime Punishable by Imprisonment for a Term Exceeding One Year**



The NICS contacts agencies to obtain missing dispositions.





Three-Business-Day Requirement

Ensure the three-business-day requirement is met by:



- Improved information sharing
- Complete criminal histories
- Improved record keeping
- Quick response to record requests



NICS Improvement Amendments Act of 2007 (NIAA)

Amends the Brady Act to improve the NICS by providing incentives to state and tribal agencies, and establishing requirements for federal agencies.



The NIAA Purpose

The NIAA seeks to address gaps in prohibiting information available for use in a NICS check. Filling the gaps will enable the NICS to operate as intended. Accurate and complete criminal history records result in successful denials and immediate proceeds of firearm transactions.

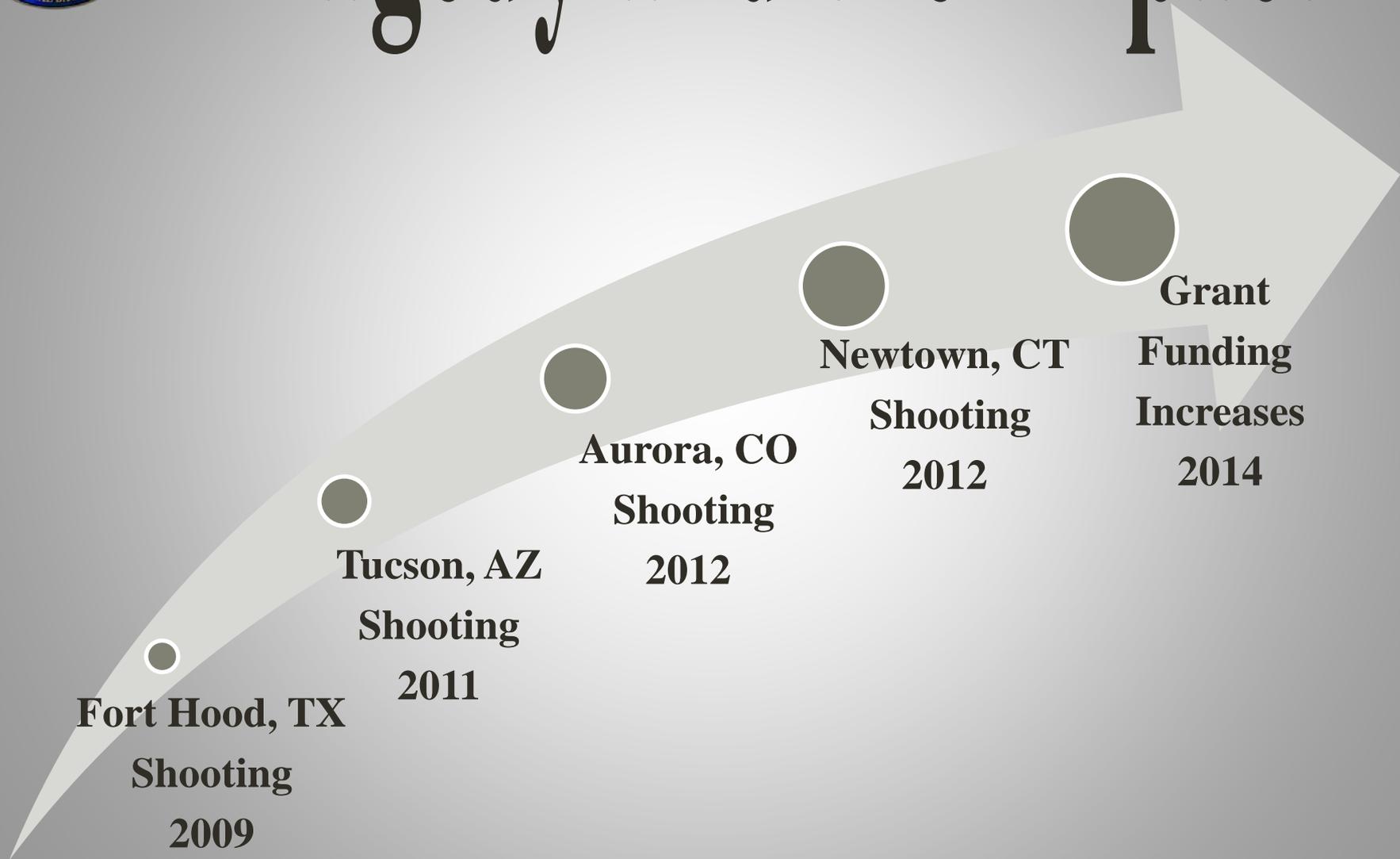


Mass Shootings and the NIAA





Tragedy and the Impact





NICS INDEX

MAKE IT HAPPEN!



What is the NICS Index?

The NICS Index is a database created to contain information of persons prohibited from receiving firearms under Public Law 103-159, known as the Brady Handgun Violence Prevention Act of 1993.



Required Fields

An entry into the NICS Index requires, at a minimum, the following fields to be populated:

- **Name**
- **Sex**
- **DOB (Date of Birth may be replaced by a qualifying miscellaneous identification number or social security number)**
- **PCA–Prohibiting Category Code**
- **ARI–Agency Record Identifier**
- **ORI–Originating Agency**



Federal Prohibitor 922 (g)(4)

ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION

1. **A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition or disease:**
 - ❖ **Is a danger to himself or others; or**
 - ❖ **Lacks the mental capacity to manage their own affairs.**
2. **A person found to be insane by a court in a criminal case.**
3. **A person found incompetent to stand trial or found not guilty by reason or lack of mental responsibility.**
4. **A person formally committed to a mental institution by a court, board, commission, or other lawful authority.**

(Only one of the four must be met under Title 18, United States Code, Section 922 (g) (4))



Involuntary Commitment

A court ordered involuntary commitment for treatment to a mental institution, includes commitments to all mental health facilities, mental hospitals, sanitariums, psychiatric facilities, and any other facility where a licensed professional diagnoses mental retardation or mental illness.

Note: If a commitment is voluntary, it does not meet the federal prohibition.



Danger to Self or Others

Threatening mental health conditions must result in an adjudication by a court, board, commission, or other lawful authority.

A mental health diagnosis lacking adjudication does not qualify for NICS Index entry.



Criminal Adjudications

- **Not Guilty by Reason of Insanity:**

Is it documented on a criminal history record at the national level?

- **Incompetent to Stand Trial:**

If a dismissal exists, is the reason for dismissal clearly documented on the criminal history record?



NIAA Relief

Program Requirements

- **A state relief from disabilities program is required as a condition for participation in NICS Act Record Improvement Program (NARIP) funding.**
- **A qualified relief from disabilities program provides a person adjudicated as a mental defective, or committed to mental institution, to apply for relief from disabilities imposed by subsections (d)(4) and (g)(4) of 18 U.S.C. § 922.**
- **A state court, board, commission or other lawful authority must consider the applicant's petition for relief. The lawful authority may only consider applications for relief due to mental health adjudications that occurred in the same State.**



Firearms not Explosives

Although a state's certificate of relief program, approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), for the mental health prohibition, provides an avenue to relieve an individual's right to purchase or possess firearms, it does not relieve an individual's right to purchase or possess explosives. Individuals receiving a relief will remain explosives prohibited.



The Challenge

- **Automate data collection for real-time reporting.**
- **Research records with potential firearm disqualifiers and update records.**
- **Organize data collection from state and private mental health institutions.**
- **Submit information not placed in the III and the NCIC into the NICS Index.**



NICS Index

Contact Information

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