





FBI

Criminal Justice Information Services Division

National Instant Criminal Background Check System (NICS)

NICS 101



The NICS Section Mission



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.



NICS Customers



- Federal Firearms Licensees (FFL)
 - Gun shop owners
 - Pawn shop dealers that sell or redeem firearms
 - Retail corporations
 - Manufacturers of firearms who sell to their employees

As of September 1, 2018, there were 49,932 active FFLs.









- Point-of-Contact (POC) States
- Local, state, tribal, and federal law enforcement
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); FBI; Nuclear Regulatory Commission



What Federally Prohibits an Individual From Purchasing/Receiving a Firearm?



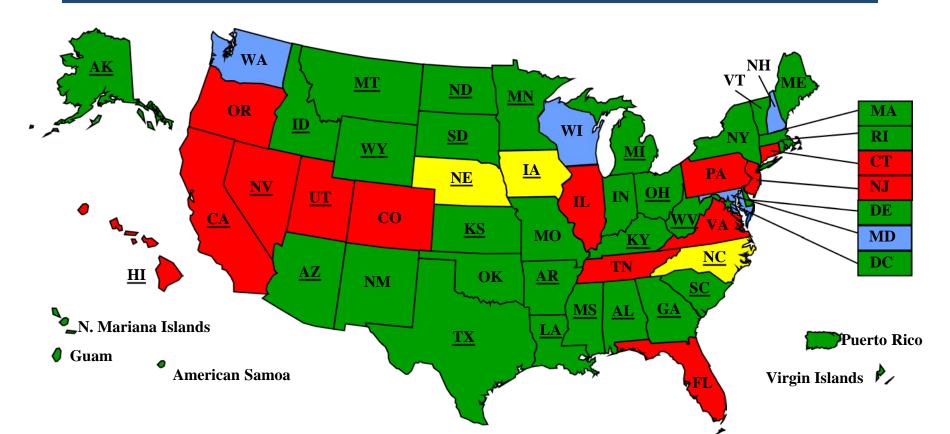
The federal firearm prohibitions apply to any person who:

- (g)(1) Has been convicted of a crime punishable by imprisonment for a term exceeding one year (or a misdemeanor crime punishable by imprisonment over two years)
- (g)(2) Is a fugitive from justice
- (g)(3) Is an unlawful user of or addicted to any controlled substance
- (g)(4) Has been adjudicated as a mental defective or committed to a mental institution
- (g)(5) Is an alien and is illegally or unlawfully in the United States
- (g)(6) Has been discharged from the Armed Forces under dishonorable conditions
- (g)(7) Has renounced their U.S. citizenship
- (g)(8) Is subject to a qualifying protection/restraining order
- (g)(9) Has been convicted in any court of a misdemeanor crime of domestic violence
- (n) Is under indictment/information for a crime punishable by imprisonment for a term exceeding one year



NICS Participation Map





- **3** Full POC State—Contact state/territory for all firearm background checks including permits
- **4** Partial POC—Contact state for handgun and FBI for long gun background checks
- **3** Partial POC— Contact state for handgun permit and FBI for long gun background checks
- **36** Non-POC—Contact FBI for all firearm background checks
- 27 Denotes that the State has at least one ATF-Qualified Alternate Permit. The permits are issued by local or state agencies. Please refer to the latest Permanent Brady Permit Chart for specific permit details at <www.atf.gov/rules-and-regulations/permanent-brady-permit-chart>.

NICS Background Check Initiation

- The applicant completes an ATF Form 4473 at an FFL's place of business.
- In Non-POC states, the FFL uses the NICS E-Check to initiate a background check or contacts the NICS Contracted Call Center via telephone.
- A biographic data search is conducted.

*FFLs in POC states follow the processes of their respective states

Bureau of Alcobol, Tobacco, Firea	OMB Na. 1146-002 Firearms Transaction Record Part I - Over-the-Counter									
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Types of Records Searched by the NICS



Interstate Identification Index (III)

Criminal Records

National Crime Information Center (NCIC)

-Wanted Persons -Protection Orders -Immigration Violators -Protective Interest File -Foreign Fugitive -Supervised Release -National Sex Offender Registry -Gang File -Known/Suspected Terrorist (KST) -Violent Person

NICS Indices -Convictions punishable by imprisonment for a term exceeding one year -Indictments for crimes punishable by imprisonment for a term exceeding one year -Fugitives from justice -Unlawful controlled substance users/addicts -Mental health adjudications/involuntary commitments -Illegal or unlawful aliens or aliens admitted to the United States under nonimmigrant visas -Dishonorable discharges -Renounced U.S. citizen -Protection orders restraining harassing, stalking, or threatening an intimate partner or child of such intimate partner -Convictions of misdemeanor crimes of domestic violence -State firearm prohibitions -State firearm permit prohibitions

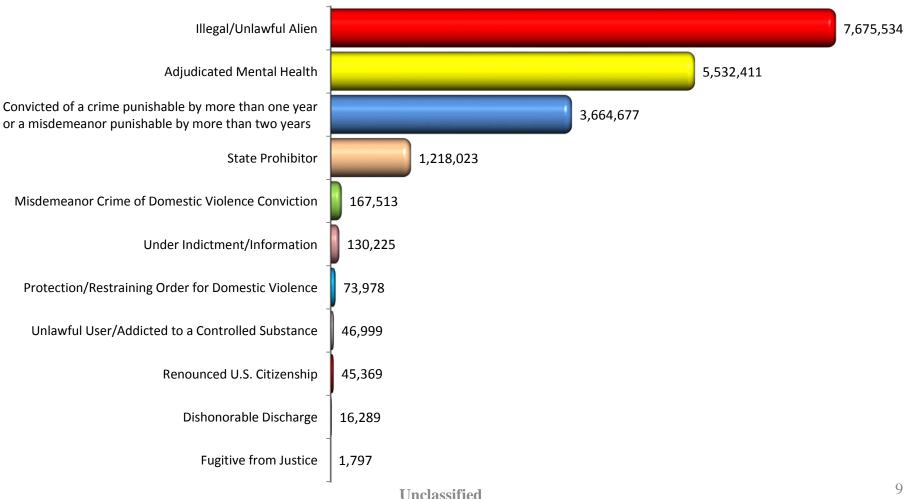
Department of Homeland Security U.S. Immigration and Customs Enforcement (ICE)

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

Unclassified Active Records in the NICS Indices

As of August 31, 2018

Program-to-Date 18,572,815





The NICS Process



- If the applicant's biographical data does not match any of the records searched by the NICS, the FFL receives an instant →PROCEED.
- If the applicant's biographical data does match and specific requirements are met, the FFL receives an instant →DENY.
- Valid matches in any of the databases searched that do not result in an instant deny or proceed are forwarded for evaluation by a NICS Legal Instruments Examiner (NICS Examiner).







- If not a valid match by descriptors <u>or</u> a valid match with no disqualifying information → PROCEED.
- If a valid match by descriptors and the information is prohibiting → DENY.
- If additional research is necessary → **DELAY**.
 - Delayed transactions are placed into a queue to be researched.





Research



- Often, the NICS Section must contact outside entities to obtain missing information
 - Local, state, tribal, and federal law enforcement
 - Courts nationwide
- Requested information may include
 - Dispositions, incident reports, drug test results, and other court documents





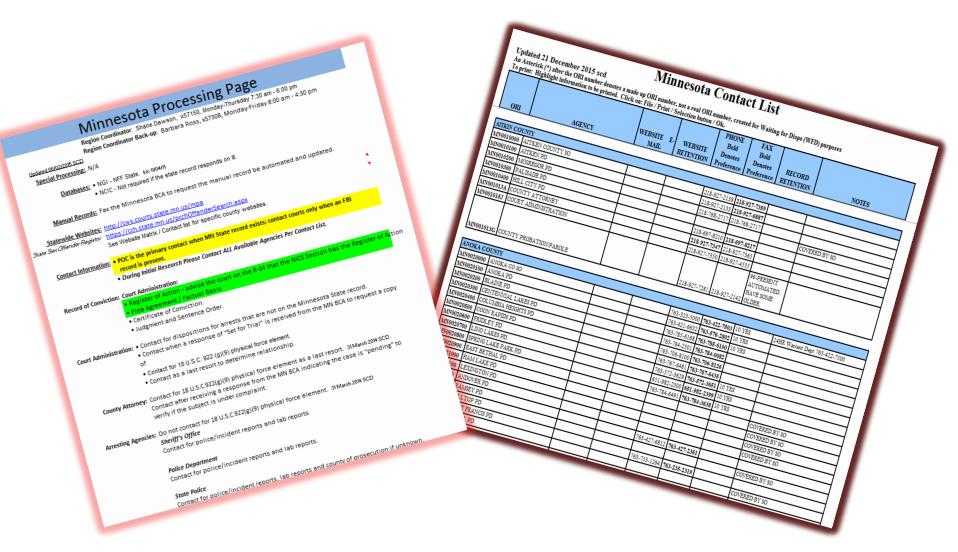
Requesting Information



	R-84 (Rev. 08-31-1999)	FINAL DISE	POSITION REPORT	Leave Blank
	Note: This vital report mu	ust be prepared on each individual whose arr	est fingerprints have been forwarded to the FBI	
FBI NICS National Instant Criminal Background Check System	arresting agency, complete	Ion Services Division without final disposition de left side and forward the form when case r ubmit to: FBI, CJIS Division, Clarksburg, W	noted thereon. If no final disposition is available to efferred to prosecutor and/or courts. Agency on notice as V 26306.	to final disposition should
Post Office Box 4278 Clarksburg, West Virginia 26302-4278	FBI No. Name on fingerprint Can	nt Submitted to FRI	Final Disposition & Date (if convicted or subject pleaded guilty to lesse modification with disposition.)	r charge, include this
	Last	First Middle		
Transmittal Request NTN for Final Disposition or Police Report	Date of Birth	Sex	 Please indicate by <u>each</u> charge whe disposition is a felony or a misdem 	ther the conviction/fin eanor.
	Henry Fingerprint Classification From FBL 1-B. Resonnse		2. If the case is still pending, is the ine Indictment Information	
To: From:	State Bureau No. (SID)	Social Security No. (SOC)	This Form Submitted By: (Name, Title, Agency, ORI No., City & State)	
Agescy: Examiner: ATTN: Supervisor:	Contributor of Fingerprint together with ORI numbe	ts (include complete name and location of a er.)	Signature	Date
Phone 1-877-444-6427. extension # FAX: 1-888-550-6427 (Toll Free)			Тіре	
FAX	Arrest No. (OCA)	Date Arrested or Received	COURT ORDERED EXPUNGEMENT:	
Date Faxed: Created Date:			Certified or Authenticated Copy of Court Orde	r Attached.
No. Pages:including cover page Special Handling Instructions: The pages following this cover sheet contain Personally Identifiable Information (PII).	Offenses Charged at Arr	rest		
WHY DOES NICS EXIST? The Brady Handgar Violance Prevention Arts (Brady Art) negative that body power ducks be conducted through the National Instant Criminal Background Clark System (NICS) is done of a first three states of the state interaction of the state of the transfer of a first mark three boards days unless information is revised that dictate the transfer of the first much hold not the place. Heases Note: A first man may be transferred to prohibited person if a final response is not received within three business days of the NTN creation date (initial NICS inquiry).				
WHAT CAN ID OT DEFERT? Bease provide disposition information on the attached briad Dynamics Report (Fem NICS-1) or familih a copy of the police report attached Police Report Request (NICS-MCDV form) and return in to the attached roll the NICS Examines and Supervisor listed above. Thank you for your help.				
WEAT IN I DO NOT HAVE THE INFORMATION YOU NEED? Should you be unable to famish this information, please indicate below the person or agency which may be able to provide the information requested.		NTN		
Please return this document with any additional documentation.				
WARKNO. Information attached to this cover sheet is U.S. coverage property. If you are not the intended recipient of this information, disclosume, reproduction, or distribution, use of this information is prohibited. (18 U.S.C. § 641) Please notify the originator or the local FBI office immediately to arrange for proper disposition. FM-6013			Please return this document with any ad	ditional documentatio

External Outreach







Examples of Information

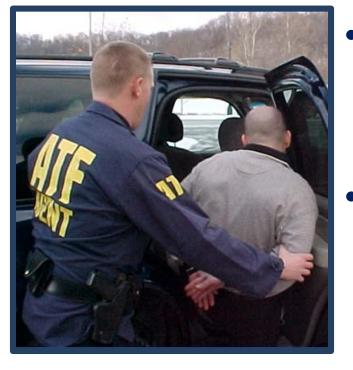


- Final Criminal Dispositions
- Felony Indictments
- Relationship to Victim
- Drug test results
- Admission of drug use
- Terms & Conditions of Probation or Parole
- Validation of Warrants & Protection Orders



Three Business Days





- It is not unlawful for an FFL to transfer a firearm after the third business day, even if the NICS Section has been unable to provide a proceed response.
- If information is received after the transfer of a firearm indicating the purchaser is a prohibited person, a firearm retrieval referral is sent to the ATF.
- Retrieval referrals are cause for concern due to public/officer safety risks and resource demands placed upon law enforcement in retrieving the firearm.

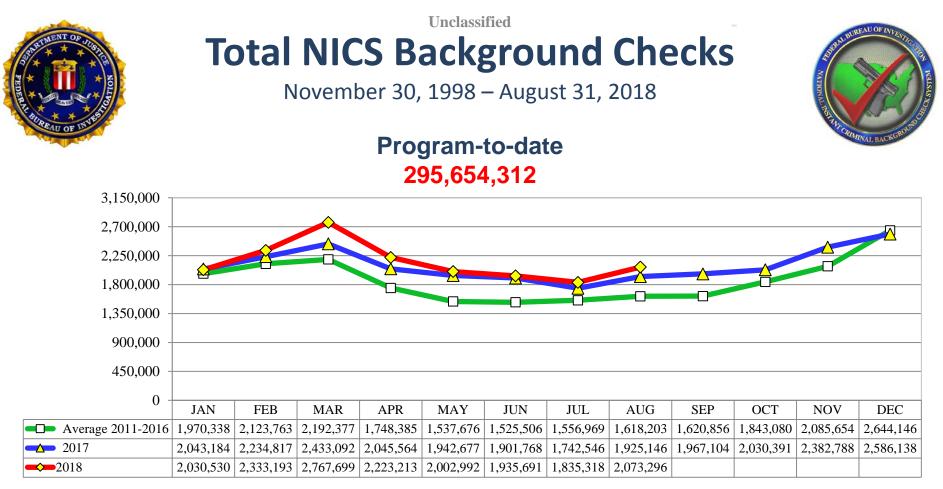


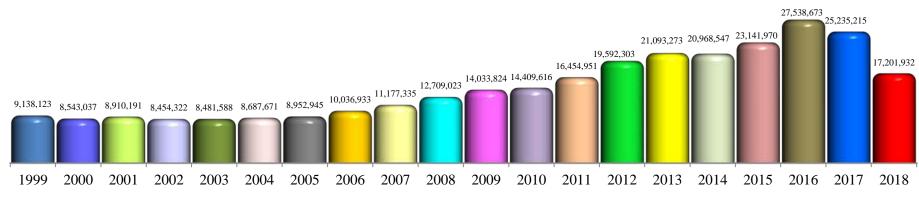
Information Sharing



Making records electronically available for firearm determinations

- Accurate arrest and disposition information to the III
- Reporting appropriate information to the NCIC
- Disqualifying entries into the NICS Indices





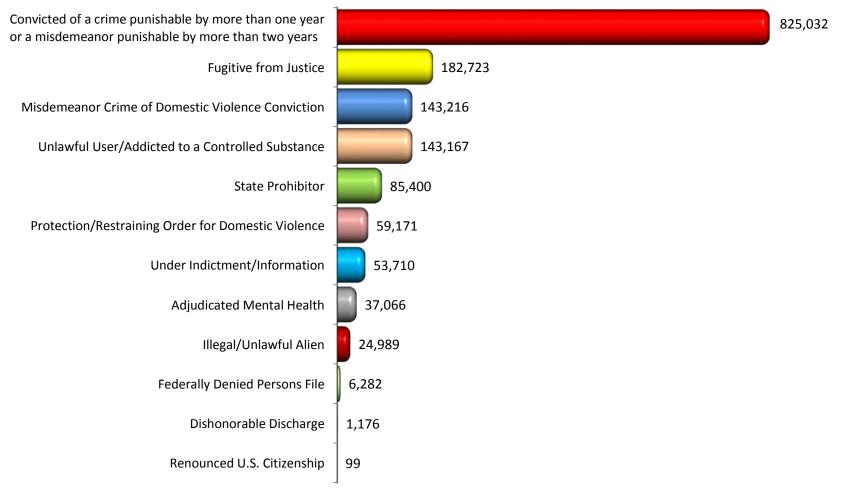


Federal Denials

November 30, 1998–August 31, 2018



Program-to-Date 1,562,031





NICS Resource Contacts







