

## SEARCH Resolution 04-39

Of the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics

January 25, 2004

### **NICS Improvement Legislation**

**WHEREAS**, SEARCH has provided technical expertise and assistance to the Congress and to the Department of Justice regarding the establishment and operation of the Brady National Instant Criminal Background Check System (NICS);

**WHEREAS**, many SEARCH Members, through the state and central repositories, through Points of Contact (POCs) or through other state agencies, have been partners with or otherwise contributed to the development and implementation of the NICS;

**WHEREAS**, SEARCH supports efforts to improve the comprehensiveness, reliability and timeliness of the NICS;

**WHEREAS**, some NICS reporting responsibilities, including mental health information reporting, are outside the purview of the state criminal justice community;

**WHEREAS**, on October 2, 2003, Senators Charles E. Schumer (D-NY) and Larry Craig (R-ID) introduced S. 1706, the NICS Improvement Act of 2003, which has, as its goal, improving the operation of the NICS program;

**WHEREAS**, on October 2, 2003, Representatives Carolyn McCarthy (D-NY) and John Dingell (D-MI) introduced H.R. 3237, an identical bill to S. 1706;

**WHEREAS**, these bills would make states eligible for a waiver at the 10% match requirement under the National Criminal History Improvement Program if 3 years after enactment, a state electronically provides or makes available to NICS, 90% of the information held by states relevant to disqualification to possess or receive a firearm;

**WHEREAS**, these bills would also authorize the Attorney General to penalize the state by withholding a percentage of a state's justice assistance funding if by the dates specified in the legislation, a state fails to electronically provide or make available a specified percentage of information relevant to disqualification to possess or receive a firearm; and

**WHEREAS**, few, if any, states will be able to qualify for the match waiver and most, if not all, states will be subject to the penalties because the reporting requirements relate, in part, to information such as mental health information, which is not the responsibility of state criminal justice agencies;

(More)

**WHEREAS**, the Bureau of Justice Statistics has been instrumental in developing the systems associated with the NICS.

**NOW, THEREFORE, BE IT RESOLVED**, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that:

“The Congress of the United States is urged to adopt improvements and enhancements to the NICS consistent with the following recommendations:

- 1) Congress should provide for research and studies to provide incentives for the mental health community to make mental health information available to the NICS;
- 2) Congress should provide for research and studies to support ongoing state criminal justice agency efforts to provide incentives for making relevant criminal history and domestic violence protection orders available to the NICS;
- 3) Congress should provide funding to law enforcement, courts, mental health and other providers of information to NICS to assist in providing and, where necessary, researching, correcting and updating information and should include a set-aside for technical assistance to support efforts to collect and provide relevant information to NICS;
- 4) Congress should not penalize state criminal justice agencies by reducing federal Justice Assistance funding based upon a state’s inability to provide mental health information, or other relevant information, to the NICS;
- 5) Congress should review and revise the definitions related to mental health disqualifiers; and
- 6) The Bureau of Justice Statistics should be designated specifically and explicitly as the agency to administer any grants under any NICS improvement legislation.”