

National Instant Criminal Background Check System

*A SEARCH
Information Paper*

Background on SEARCH

SEARCH, The National Consortium for Justice Information and Statistics, is a nonprofit organization governed by a Membership Group of governor appointees from the states and territories. SEARCH Members operate the state criminal history record repository programs and related state criminal justice information systems, which are used to provide documented criminal history record information for criminal and civil background check screening and to assist regulatory agencies determine a person's suitability to possess firearms, etc.

Background on the National Instant Criminal Background Check System (NICS)

In 1993, Congress passed the Brady Handgun Violence Prevention Act (Brady Act) that, among other things, created the NICS.

The Federal Bureau of Investigation (FBI) maintains the NICS to conduct background checks on individuals seeking to purchase firearms from Federal Firearms Licensees (FFLs) or to obtain permits to possess, carry, or obtain firearms.

The system relies on a comparison of the applicant's name with the names in prohibitive category files. The system is not capable of positive identification through comparison of biometric information.

The system does not include background checks for private firearm sales.

What Disqualifies an Individual from Purchasing a Firearm?

There are 10 categories established in Federal law that disqualify an individual from purchasing firearms. (Note: Some states have established their own, additional disqualifying categories.)

1. Illegal/unlawful alien
2. Dishonorable discharge
3. Renounced U.S. citizenship
4. Felony conviction
5. Under indictment/information
6. Fugitive from justice
7. Unlawful use of/addiction to a controlled substance
8. Involuntary commitment to mental health institution/mental adjudications
9. Domestic violence protection/restraining order
10. Misdemeanor crimes of domestic violence

Who Conducts NICS Checks?

There are 13 **full Point of Contact (POC) states** that handle all NICS and state prohibitor checks: California, Colorado, Connecticut, Florida, Hawaii, Illinois, Nevada, New Jersey, Oregon, Pennsylvania, Tennessee, Utah, and Virginia.

There are seven **partial-POC states** that handle their own handgun checks/handgun permit checks while the FBI handles the long gun checks: Iowa, Maryland, Nebraska, New Hampshire, North Carolina, Washington, and Wisconsin.

36 states and territories rely on the **FBI** for all firearms background checks.¹

**Which Databases
Are Examined
During a
Background
Check for a
Firearm
Purchase?**

During a NICS check, descriptive data such as name and date of birth are used to search three national databases that contain criminal history and other relevant records to determine whether a person is disqualified from purchasing a firearm. (Note: POC states may also search state databases.)

- **Interstate Identification Index (III).** Administered by the FBI, and participated in by all states, the III is a fingerprint-supported automated criminal history records exchange system that includes arrest and disposition information for individuals charged with felonies or misdemeanors. Information that may be available via III includes: convicted felons, persons who are fugitives from justice, persons found not guilty by reason of insanity or adjudicated to be incompetent to stand trial, persons found guilty of misdemeanor crimes of domestic violence, persons under indictment, and persons who unlawfully use controlled substances.
- **National Crime Information Center (NCIC).** The NCIC is an electronic database consisting of 21 files, 10 of which are queried for a NICS-related background check. This automated, nationally accessible database of criminal justice-related records includes information on wanted persons (fugitives), known and suspected terrorists, and persons subject to domestic violence protection orders.
- **NICS Indices.** The NICS Indices is a database, separate from NCIC and III, created specifically to conduct a background check for a firearms-related purpose. The NICS Indices contains information contributed by local, state, tribal, and federal agencies pertaining to persons prohibited from receiving or possessing a firearm pursuant to state and/or federal law. While any disqualifying record may be entered into the NICS Indices, it is not intended to duplicate information entered into NCIC or III. Instead, the database was designed to house disqualifying information not otherwise available at the national level.

**Which Federal
Programs Fund
Improvements to
NICS?**

There are two Federal grant programs that have funded state improvements to their criminal history record repositories, generally, and the NICS specifically: the **National Criminal History Improvement Program (NCHIP)** and the **NICS Act Record Improvement Program (NARIP)**. Both are administered by the Bureau of Justice Statistics (BJS), U.S. Department of Justice.

Questions?

Please contact SEARCH's Director of Government Affairs, Melissa Nee (melissa@search.org), if you have questions or need more information.

¹ <https://www.fbi.gov/file-repository/nics-participation-map.pdf/view>