

SEARCH Resolution 07-46

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

July 20, 2007

Improvements to the Brady, National Instant Criminal Background Check System

WHEREAS, the SEARCH Membership Group has been a longstanding and steadfast supporter of the National Instant Criminal Background Check System (NICS);

WHEREAS, the SEARCH Membership Group supports the strengthening of the NICS to include all relevant and appropriate records, including conviction records relating to a crime punishable by imprisonment for a term exceeding one year and records of persons adjudicated mentally defective or committed to a mental institution and records of persons who are unlawful users of, or addicted to, a controlled substance as demonstrated by arrests, convictions or adjudications; and

WHEREAS, the SEARCH Membership Group supports the establishment of a Federal justice assistance program to provide grants to the States to assist States in acquiring and reporting appropriate records;

NOW, THEREFORE BE IT RESOLVED by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, on July 20, 2007, that:

“The Membership of SEARCH Group urges the Congress to enact NICS improvement legislation that includes the following elements:

- Include a definition of disqualifying records which, insofar as possible, involve convictions or adjudications and, insofar as possible, are electronically available;
- Include mental health records represented by adjudications or involuntary commitments;
- Involve compliance incentives and penalties, should Congress feel that penalties are appropriate, for the States that take into account a State’s reporting of all relevant records giving proportionate weight to the number of records in each reporting category;
- Provide Federal grant funds to the States to assist the States in strengthening their NICS participation in an amount of at least 400 million dollars annually; and
- If Congress chooses to provide for penalties for noncompliance, those penalties should be imposed on a non-complying State incrementally over a ten-year period; involve an aggregate reporting rate at the end of the ten-year period not to exceed 90%; do not exceed 5% of a State’s Federal justice assistance annual award; and which may be waived by the Attorney General for States that are found to be making a good faith effort at compliance.”