

## SEARCH Resolution 10-57

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

July 29, 2010

### **NICS Improvement Amendments Act (NIAA) Funding**

**WHEREAS**, in 1993, the Congress, through the Brady Handgun Violence Prevention Act, Pub. L. 103-159, established the National Instant Criminal Background Check System (NICS) to facilitate the ability of retailers to determine whether a prospective buyer is eligible to purchase a firearm;

**WHEREAS**, the NICS system, operated by the FBI CJIS division, relies heavily on the states' participation to supply disqualifying information, including criminal history records, domestic protection and restraining orders, warrants, misdemeanor crimes of domestic violence and mental health determinations and, in some states, to respond directly to retailer requests;

**WHEREAS**, in the wake of the Virginia Tech shooting in 2007, the Congress enacted the NICS Improvement Amendments Act of 2007, Pub. L. 110-80, to promote the reporting of mental health information and improvement in the reporting of all categories of information that are disqualifying for firearms purchases, as well as establishing a program to provide relief from a determination that the person is disabled from purchasing a firearm if it is determined that the person is not likely to act in a manner dangerous to public safety;

**WHEREAS**, the NIAA authorizes \$125 million to the states to support their enhanced participation in the NICS in FY '09; \$250 million in FY '10; \$250 million in FY '11; \$125 million in FY '12; and \$125 million in FY '13;

**WHEREAS**, the actual appropriations by the Congress to the state NIAA funding has been only a small fraction of these amounts and, specifically, 0 dollars for FY '08; \$10 million for FY '09; and \$20 million for FY '10;

**WHEREAS**, these appropriated funding levels are inadequate to reimburse the states for the costs of providing mental health, criminal history and other disqualifying information to the NICS and inadequate to establish and operate required relief programs and the state repositories do not have state funding sufficient to make up for this shortfall;

**WHEREAS**, NICS funding is essential not only to promoting effective and appropriate firearms purchase eligibility decisions, but this funding also contributes importantly to the quality of criminal history record information used for other critical public safety and risk management decisions; and

**WHEREAS**, state compliance with NIAA requirements has lagged because of inadequate federal funding and other factors and therefore the NIAA's inclusion of a 10 percent Byrne funding reduction as a penalty for noncompliance is particularly inappropriate.

(More)

SEARCH Resolution 10-57, Continued

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

“Congress should appropriate for FY ‘11, FY ‘12 and FY ‘13 monies to the states at the full NIAA authorization level and Congress should reauthorize the NIAA for FY ‘14-17 for at least \$125 million dollars each year and should, in each of those years, appropriate state funding support at the authorization levels, so that the states can achieve targeted mental health and disposition reporting levels and otherwise comply with the NIAA requirements. Congress should further amend the NIAA to strike Byrne funding penalties and to provide that NIAA grant funding may be used by the states to come into full compliance with Relief from Disabilities program requirements.”