Assessing the Impact of the Bipartisan Safer Communities Act (BSCA)

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Ms. Becki Goggins

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National Criminal History Improvement Program (NCHIP) Supplemental Funds

• BSCA provided an additional $200 million in NCHIP funding over 5 years

• Very similar to NCHIP except
  – Additional priority areas around BSCA provisions
  – Courts may apply directly
  – No match requirement
• BSCA requires additional outreach/research for potential juvenile criminal/delinquency information or juvenile mental health adjudications/commitments that may disqualify the receipt or possession of a firearm

• The following entities will be contacted based on the address of the potential firearm transferee under the age of 21
  – State criminal history repositories/juvenile justice information systems
  – State custodians of mental health adjudications
  – Local law enforcement agencies

• BSCA allows for an additional delay up to 10 business days (if cause is discovered during the first 3 business days) to obtain and review information
Mr. Adam Dean
SEARCH Board Member & Deputy Commissioner of Operations and Innovation, New York State Division of Criminal Justice Services
Misdemeanor Crime of Domestic Violence (DMCDV)
- Expands firearms prohibition to include a person who has a current or recent former dating relationship with the victim
- Applies to persons convicted on or after 6/25/2022

Until BSCA the boyfriend/girlfriend relationship was not a NICS prohibitor when they did not live together
• Dating relationship is between “individuals who have or have recently had a continuing serious relationship of a romantic nature”

• Examples
  – Boyfriend/girlfriend
  – Fiancé
  – Includes same-sex relationships
Length of DMCDV Prohibition

• BSCA established the “dating” relationship as a temporary prohibition
  – Restoration occurs five years from date of conviction or completion of sentence
  – Five-year timeframe is voided if a subsequent firearms-prohibiting conviction occurs

• Conviction for any of the following will invalidate the five-year restoration
  – Another DMCDV
  – Another disqualifying conviction
  – Any other misdemeanor offense under federal, state, local, or tribal law which has, an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, regardless of the relationship to the victim
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Questions?