

FBI Criminal Justice Information Services (CJIS) Division
National Instant Criminal Background Check System (NICS) Section
Active Records in the NICS Indices as of December 31, 2017

The Brady Handgun Violence Prevention Act of 1993 (Brady Act), Public Law 103-159, requires Federal Firearms Licensees to request background checks on prospective firearm transferees. In 1998, the FBI established the NICS to process these background checks. The NICS is a national system that queries available records in the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Indices to determine if prospective transferees are disqualified from receiving firearms.

The NICS Indices contains information provided by local, state, tribal, and federal agencies of persons prohibited from receiving firearms under state or federal law. If the information is available in the NCIC or the III, entry into the NICS Indices is not always necessary. Therefore, certain categories within the NICS Indices may show minimal or no participation by a state or federal agency. As a result of the NICS Improvement Amendments Act of 2007 (NIAA), federal agencies are required to make records available which are used in background checks performed by the NICS and are relevant to the determination of whether a person is disqualified from possessing or receiving a firearm under Title 18, United States Code (U.S.C.), Section 922, Subsection (g) or (n). This can be accomplished through adding information to the NCIC, the III, or the NICS Indices. **However, on the state level, unless otherwise instructed by state law or federal funding requirements, participation in the NICS Indices is strictly voluntary.**

The categories in the NICS Indices mirror the prohibitions under 18 U.S.C. § 922 and include state prohibitions. It is critical to note that the NICS Indices is ever-changing. Contributors add, delete, and modify NICS Indices entries with frequency. In addition, certain prohibitive categories contain an expiration date, which could necessitate the related information's removal from the NICS Indices. Each contributor to the NICS Indices is responsible for the accuracy and validity of its own NICS Indices entries. The NIAA requires federal agencies to update, correct, modify, or remove records once they become aware that the information is no longer prohibiting under the Gun Control Act of 1968, as amended, no less than quarterly. It is important to note, not all federal agencies possess relevant records under the NIAA. Therefore, some federal agencies may have no submissions to the NICS Indices.

The following describes the cases in which an individual would be prohibited from possessing or receiving a firearm based on information from the NICS Indices:

Felony—Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; or any state offense classified by the laws of the state as a misdemeanor and is punishable by imprisonment for a term exceeding two years, should be submitted to the III to update the identity history summary with the level of conviction. In the event fingerprints are not captured at the time of arrest, entry into the NICS Indices is an alternative. Since most arrests include the submission of fingerprints, this information should be contained in the III; therefore, there may be a low number or no entries in this category. The Department of Justice (DOJ) is undertaking the administrative burden for federal agencies by submitting convictions it processes/prosecutes to the NICS Indices.

Under Indictment/Information—Persons under indictment or information for a crime punishable by imprisonment for a term exceeding one year, may be entered into the NICS Indices with an expiration date. This is a temporary prohibition, which may result in a low number or no entries in this category. However, information regarding individuals under indictment or information is not typically found in the III or the NCIC. Therefore, the NICS Indices is an alternative. The DOJ is undertaking the administrative burden for federal agencies by submitting indictments and informations it processes/prosecutes to the NICS Indices.

Fugitive from Justice¹—Persons who are fugitives from justice that have met the 18 U.S.C. § 922 g(2) prohibition which includes active misdemeanor or felony criminal warrants. All warrants should be entered into the NCIC, but when the NCIC requirements are not met, entry into the NICS Indices is an alternative. Therefore, there may be few or no entries in this category. The DOJ is undertaking the administrative burden for federal agencies by submitting felony warrants it processes to the NICS Indices.

Unlawful User/Addicted to a Controlled Substance—Persons who are unlawful users of or addicted to any controlled substance are potential candidates for the NICS Indices. This prohibitor may be found in the III when there is a qualifying conviction. For controlled substance charges without a qualifying conviction, it must be established that the substance was a controlled substance (positive drug test or self-admitted use). This information, (such as an incident/arrest report showing drug test results) often not found within the III, may necessitate an entry into the NICS Indices. Since this is a temporary prohibition (one year), an expiration date is established in the NICS Indices. The DOJ is undertaking the administrative burden for federal agencies by submitting drug-related federal convictions it processes/prosecutes to the NICS Indices.

Adjudicated Mental Health—Persons adjudicated as a mental defective or involuntarily committed to a mental institution for treatment are entered into the NICS Indices. Criminal cases with “Not Guilty by Reason of Insanity” qualify for entry into the III. If this information is not made available on the III, it would qualify for entry into the NICS Indices. Civil cases would not be available on the III and would qualify for entry into the NICS Indices. Therefore, unless state legislation prohibits entry to the mental health category, the NICS Indices would be the applicable location. The NICS Indices is the applicable location for federal agencies to contribute to the mental health category since federal agencies are required to report. Documents relevant to this prohibitor include judgment and commitment orders, sentencing orders, and court agency records of adjudications of the individual’s inability to manage his or her own affairs if such adjudication is based on marked subnormal intelligence or mental illness, incompetency, condition, or disease. Medical records containing mental health information are not required for this prohibitor.

Illegal/Unlawful Alien—Illegal and Unlawful Alien entries into the NICS Indices are typically made by the U.S. Immigration and Customs Enforcement. Therefore, entry by a state or other federal agency would be minimal to nonexistent in this category, unless additional information was discovered during research.

¹ In February 2017, a processing change for the fugitive from justice prohibition prompted removal of all NICS Indices entries in the Fugitive from Justice category until further research could be conducted to determine if those cases met the new standards.

Dishonorable Discharge—Dishonorable Discharge is a military disqualification and is either found on the III or typically entered into the NICS Indices by the U.S. Department of Defense or the appropriate branch of the military. Therefore, entry by a state or other federal agency would be minimal to nonexistent in this category, unless additional information was discovered during research.

Renounced U.S. Citizenship—Renounced Citizenship submissions into the NICS Indices are typically made by the U.S. Department of State. Therefore, entry by a state or other federal agency would be minimal to nonexistent in this category.

Protection/Restraining Order for Domestic Violence—Protection or Restraining Orders are to be entered into the NCIC; however, if all NCIC requirements are unable to be met, entry into the NICS Indices is an alternative and may include an expiration date. If a state submits Protection/Restraining Order information to the NCIC, the NICS Indices entry is not necessary; therefore, there may be a low number or no entries in this category.

Misdemeanor Crime of Domestic Violence (MCDV)—In order to determine the prohibition for MCDV, the convicting statute, subsection, and qualifying relationship of the individual to the victim are required. This information may be posted to the III. When the information is unable to be posted to the III, entry into the NICS Indices is an alternative. If an agency posts the final disposition and relationship information to the III, there may be a low number or no entries in this NICS Indices category. However, if it is difficult to post this information (especially the relationship) to the III, the NICS Indices is an alternative, which in turn may increase the number of entries in this category.

State Prohibitors—These prohibitors include individuals who are prohibited based on state law only. This category is unique to each state/territory and dependent upon state law.

Active Records in the NICS Indices As of December 31, 2017												
State/Territory	Felony	Under indictment/information	Fugitive from justice	Unlawful user/addicted to a controlled substance	Adjudicated mental health	Illegal/unlawful alien	Dishonorable discharge	Renounced U.S. Citizenship	Protection/restraining order for domestic violence	Misdemeanor crime of domestic violence conviction	State prohibitor	Totals
Alabama	0	0	0	1	5,306	0	0	0	0	1	0	5,308
Alaska	4,565	0	0	0	267	0	0	0	1,522	0	2	6,356
American Samoa	0	0	0	0	0	0	0	0	0	0	0	0
Arizona	4	0	0	12	30,741	0	0	0	0	2	3	30,762
Arkansas	12,630	0	0	4	3,757	5	0	0	3	2,951	0	19,350
California	6,378	0	0	3	821,905	21	2	0	10	10,721	196,002	1,035,042
Colorado	13	0	0	2	77,364	1	0	0	271	282	0	77,933
Connecticut	371,922	191	0	5,841	63,394	3	0	0	694	27,447	148,529	618,021
Delaware	0	0	0	0	16,359	0	0	0	0	0	1	16,360
Florida	87,366	0	0	183	151,859	1	0	0	3	126	11,335	250,873
Georgia	0	0	0	3	11,063	1	0	0	0	1	1	11,069
Guam	0	0	0	0	0	0	0	0	0	0	0	0
Hawaii	0	0	0	1	7,593	0	0	0	0	3	6	7,603
Idaho	0	0	0	0	36,148	0	0	0	0	1	0	36,149
Illinois	10,428	1,956	10	570	47,555	795	32	31	411	901	13,854	76,543
Indiana	399,425	0	0	5	10,484	0	0	0	0	4	2	409,920
Iowa	137	38	0	41	49,089	3	3	0	80	156	1	49,548
Kansas	0	0	0	1	6,908	0	0	0	2	5,390	0	12,301
Kentucky	4,442	78	0	6	36,501	0	0	0	0	528	0	41,555
Louisiana	420,007	59,902	0	1	5,518	1	0	0	1,713	27,357	6,178	520,677
Maine	6	0	0	1	4,330	0	0	0	0	0	0	4,337
Mariana Islands	0	0	0	0	0	0	0	0	0	0	0	0
Maryland	15	0	0	7	20,012	0	0	0	0	0	9	20,043
Massachusetts	237,511	0	1	11	14,320	0	0	0	0	2,281	439,483	693,607
Michigan	89	1	0	1,674	147,941	1	1	0	2	39	467	150,215
Minnesota	62	7	0	737	60,537	0	0	0	26	67	2,635	64,071
Mississippi	0	0	0	1	14,893	0	0	0	0	0	0	14,894
Missouri	0	0	0	6	48,766	0	0	0	0	550	0	49,322
Montana	1	0	0	0	36	0	0	0	0	1	0	38
Nebraska	4	0	0	2	30,642	1	0	0	0	42	37	30,728
Nevada	474	0	0	54	7,141	0	0	0	191	1,990	66	9,916
New Hampshire	44,188	1	0	2,242	519	0	0	0	0	14,120	0	61,070
New Jersey	23	1	0	0	447,563	17	0	0	22	36	0	447,662
New Mexico	200,687	0	0	0	7,506	0	0	0	2,553	27,388	0	238,134
New York	1	0	0	0	544,398	0	0	0	58,316	0	106,851	709,566
North Carolina	1,137	7	6	37	399,320	12	29	1	245	2,095	407	403,296
North Dakota	0	0	0	0	3,258	0	0	0	0	1	0	3,259
Ohio	1	0	0	0	56,390	0	0	0	0	1	1	56,393
Oklahoma	1	1	0	0	3,004	0	0	0	1	0	0	3,007
Oregon	2	0	0	0	27,075	0	0	0	0	2	1	27,080
Pennsylvania	246,770	0	0	1,453	831,886	1	1	0	0	5	114,935	1,195,051
Puerto Rico	15,093	2,946	0	0	0	0	0	0	0	0	0	18,039
Rhode Island	0	0	0	0	444	0	0	0	0	0	0	444
South Carolina	708	3	2	32	85,807	1	0	0	6	3	577	87,139
South Dakota	0	0	0	0	1,047	0	0	0	0	0	0	1,047
Tennessee	11	0	0	14	40,186	0	0	0	1	6	0	40,218
Texas	4	1	0	0	284,549	14	1	0	0	10	0	284,579
Utah	2,388	132	0	200	10,211	43	3	0	1,188	1,582	496	16,243
Vermont	32,357	0	0	0	1,310	0	0	0	0	5	0	33,672
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	107,414	0	0	68	292,025	1	0	0	0	1,158	0	400,666
Washington	775	17	5	73	124,483	9	1	0	114	412	810	126,699
West Virginia	0	0	0	0	49,249	0	0	0	0	0	1	49,250
Wisconsin	115	2	0	0	31,371	0	0	0	0	260	1	31,749
Wyoming	4	0	0	4	7	0	0	0	1	35	0	51
Totals	2,207,158	65,284	24	13,290	4,972,037	931	73	32	67,375	127,960	1,042,691	8,496,855

Active Records in the NICS Indices As of December 31, 2017												
<u>Federal Agencies</u>	Felony	Under indictment/information	Fugitive from justice	Unlawful user/addicted to a controlled substance	Adjudicated mental health	Illegal/unlawful alien	Dishonorable discharge	Renounced U.S. Citizenship	Protection/restraining order for domestic violence	Misdemeanor crime of domestic violence conviction	State prohibitor	Totals
Amtrak Railroad Police	0	0	0	0	0	0	0	0	0	0	12	12
Department of Agriculture, U.S.	275	0	0	0	0	0	0	0	0	0	0	275
<u>Department of Defense</u>												
Air Force Office of Special Investigations, U.S.	2,723	0	0	262	28	0	747	0	0	33	0	3,793
Army, U.S.	19,888	158	1	5,965	3	0	1	0	0	190	0	26,206
Department of Defense, U.S.	1	0	0	0	1	0	11,206	0	0	0	0	11,208
Naval Criminal Investigative Service, U.S.	2,055	0	0	0	0	0	3,489	0	0	1	0	5,545
Navy, U.S.	0	0	0	0	2	0	0	0	0	0	0	2
Department of Health and Human Services, U.S.	202	8	0	0	4	3	0	0	0	0	213	430
<u>Department of Homeland Security</u>												
Coast Guard, U.S.	35	0	0	91	0	1	30	0	3	5	0	165
Customs and Border Protection, U.S.	0	0	0	1	0	2	0	0	0	0	0	3
Immigration and Customs Enforcement, U.S.	0	0	0	0	0	7,344,846	0	0	0	0	0	7,344,846
Secret Service, U.S.	4	0	0	241	390	0	0	0	0	1	1	637
Department of Housing and Urban Development, U.S.	19	36	0	0	0	0	0	0	0	0	0	55
Department of Interior, U.S.	0	0	0	0	1	0	0	0	0	0	0	1
<u>Department of Justice</u>												
Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S.	16	0	0	19	72	61	1	0	1	16	3	189
Department of Justice, U.S.	0	0	0	0	0	1	0	0	0	0	0	1
Drug Enforcement Administration, U.S.	0	0	0	0	0	103	0	0	0	0	0	103
Federal Bureau of Investigation, U.S.	9,069	220	834	2,020	1,295	4,618	36	1	389	27,362	6,376	52,220
Federal Prosecuting Attorneys	1,170,243	37,271	0	302	876	1,915	0	0	0	107	0	1,210,714
Department of State, U.S.	0	1	0	0	8	17	0	42,660	0	0	0	42,686
Department of Transportation, U.S.	0	0	0	0	2	1	0	0	0	0	0	3
<u>District of Columbia</u>												
Court Services & Offender Supervision Agency for the D.C., U.S.	0	0	0	1,992	0	0	0	0	0	0	0	1,992
District of Columbia	0	0	0	0	784	0	0	0	0	0	0	784
Export-Import Bank of the U.S.	0	0	0	0	0	2	0	0	0	0	0	2
Internal Revenue Service	0	0	0	0	0	8	0	0	0	0	0	8
Postal Inspection Service, U.S.	0	0	0	0	0	2	0	0	0	0	0	2
Railroad Retirement Board, U.S.	74	6	0	0	2	0	0	0	0	0	0	82
Small Business Administration	0	3	0	0	0	0	0	0	0	0	0	3
Social Security Administration, U.S.	295	54	0	0	0	0	0	0	0	0	14	363
Veterans Affairs Department, U.S.	0	0	0	0	194,325	0	0	0	0	0	15	194,340
Totals	1,204,899	37,757	835	10,893	197,793	7,351,580	15,510	42,661	393	27,715	6,634	8,896,670

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<u>Others</u>	Felony	Under indictment/information	Fugitive from justice	Unlawful user/addicted to a controlled substance	Adjudicated mental health	Illegal/unlawful alien	Dishonorable discharge	Renounced U.S. Citizenship	Protection/restraining order for domestic violence	Misdemeanor crime of domestic violence conviction	State prohibitor	Totals
American Indian or Alaska Native Tribe	0	1	0	0	7	0	0	0	2	154	30	194
District Court, U.S.	0	0	0	0	16	0	0	0	0	0	0	16
Pretrial Services for the D.C., U.S.	0	0	0	5,726	0	0	0	0	0	0	0	5,726
Totals	0	1	0	5,726	23	0	0	0	2	154	30	5,936

Total Active Records in the NICS Indices As of December 31, 2017												
<u>Total Records</u>	Felony	Under indictment/information	Fugitive from justice	Unlawful user/addicted to a controlled substance	Adjudicated mental health	Illegal/unlawful alien	Dishonorable discharge	Renounced U.S. Citizenship	Protection/restraining order for domestic violence	Misdemeanor crime of domestic violence conviction	State prohibitor	Totals
State/Territory	2,207,158	65,284	24	13,290	4,972,037	931	73	32	67,375	127,960	1,042,691	8,496,855
Federal Agencies	1,204,899	37,757	835	10,893	197,793	7,351,580	15,510	42,661	393	27,715	6,634	8,896,670
Others	0	1	0	5,726	23	0	0	0	2	154	30	5,936
Grand Totals	3,412,057	103,042	859	29,909	5,169,853	7,352,511	15,583	42,693	67,770	155,829	1,049,355	17,399,461