

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, 2016

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 Indices¹ contains information provided by local, state, tribal, and federal agencies of persons prohibited from receiving firearms under state or federal law, which may not be found in the NCIC or the III. If the information is available in the NCIC or the III, entry into the NICS Indices is not 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 relevant to the determination of whether a person is disqualified from possessing or receiving a firearm under Subsection (g) or (n) of Section 922 of Title 18, United States Code (U.S.C.), for use in background checks performed by the NICS, which 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 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 for criminal history update 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.

¹ NICS Indices as of June 30, 2017, formerly known as the NICS Index.

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. The DOJ is undertaking the administrative burden for federal agencies by submitting indictment and information(s) it processes/prosecutes to the NICS Indices.

Fugitive from Justice—Persons who are fugitives from justice include 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/prosecutes 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 to 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 sharing mental health information, the NICS Indices would be the applicable location for agencies to share this type of information. For the federal mental health information, the NICS Indices is the applicable location for this information since federal agencies are required to report this information. Records that are 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.

Illegal/Unlawful Alien—Illegal and Unlawful Alien entry into the NICS Indices is 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.

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 U.S. Coast Guard. 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. 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 defendant 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. Therefore, there may be a low number or no entries in this category. The DOJ is undertaking the administrative burden for federal agencies by submitting convictions of domestic violence crimes it processes/prosecutes to the NICS Indices.

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

State/Territory	Active Records in the NICS Indices											Totals
	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	
Alabama	0	0	1	2	3,327	0	1	0	0	1	0	3,332
Alaska	4,459	0	0	0	180	0	0	0	1,348	0	0	5,987
American Samoa	0	0	0	0	0	0	0	0	0	0	0	0
Arizona	4	1	2	7	28,909	0	0	0	0	2	3	28,928
Arkansas	12,222	0	1	0	3,301	2	0	0	2	2,634	0	18,162
California	5,538	0	8	3	750,338	21	2	0	10	9,669	15,087	780,676
Colorado	10	0	0	1	69,821	0	0	0	239	235	0	70,306
Connecticut	363,775	326	51,709	6,575	62,477	3	0	0	796	25,356	144,634	655,651
Delaware	0	0	0	0	18,210	0	0	0	0	0	1	18,211
Florida	89,154	0	0	99	141,042	0	0	0	2	70	10,671	241,038
Georgia	0	1	0	18	10,094	1	0	0	0	1	1	10,116
Guam	0	0	0	0	0	0	0	0	0	0	0	0
Hawaii	0	0	0	0	2,239	0	0	0	0	3	1	2,243
Idaho	0	0	0	0	34,676	0	0	0	0	1	0	34,677
Illinois	5,510	317	31	822	47,554	481	20	25	356	222	10,393	65,731
Indiana	372,242	0	1	4	9,442	0	0	0	0	4	1	381,694
Iowa	124	41	3	40	45,774	3	3	0	76	151	1	46,216
Kansas	0	0	0	0	6,590	0	0	0	2	3,589	0	10,181
Kentucky	4,432	112	9,527	1	30,232	0	0	0	0	453	0	44,757
Louisiana	365,365	3,583	0	0	4,093	1	0	0	1,450	23,338	3,909	401,739
Maine	6	0	0	0	3,795	0	0	0	0	0	0	3,801
Mariana Islands	0	0	0	0	0	0	0	0	0	0	0	0
Maryland	14	0	0	3	16,783	0	0	0	0	0	6	16,806
Massachusetts	237,533	0	430,434	10	14,322	0	0	0	0	2,281	0	684,580
Michigan	53	0	3	2,008	138,311	1	1	0	1	36	433	140,847
Minnesota	54	3	3	736	55,261	0	0	0	22	51	2,177	58,307
Mississippi	0	0	0	0	12,183	0	0	0	0	0	0	12,183
Missouri	0	0	0	3	46,393	0	0	0	0	594	0	46,990
Montana	2	0	0	0	13	0	0	0	0	2	0	17
Nebraska	4	0	1	2	29,315	1	0	0	0	25	18	29,366
Nevada	274	0	1	55	6,173	0	0	0	270	1,323	9	8,105
New Hampshire	283	0	0	2,519	51	0	0	0	0	13,794	0	16,647
New Jersey	22	1	0	0	431,543	14	0	0	21	29	0	431,630
New Mexico	197,289	0	0	0	7,370	0	0	0	2,806	27,391	0	234,856
New York	0	0	0	0	463,605	0	0	0	57,591	0	101,648	622,844
North Carolina	1,080	3	24	43	272,337	11	28	1	261	1,953	351	276,092
North Dakota	0	0	0	0	2,090	0	0	0	0	1	0	2,091
Ohio	1	0	1	0	54,745	0	0	0	0	1	0	54,748
Oklahoma	1	1	0	0	2,411	0	0	0	1	0	0	2,414
Oregon	2	0	0	0	24,765	0	0	0	0	2	0	24,769
Pennsylvania	7	0	2	96	794,589	0	1	0	0	0	0	794,695
Puerto Rico	12,113	3,947	0	0	0	0	0	0	0	0	0	16,060
Rhode Island	0	0	0	0	440	0	0	0	0	0	0	440
South Carolina	1	1	1	5	79,760	0	0	0	2	3	299	80,072
South Dakota	0	0	0	0	805	0	0	0	0	0	0	805
Tennessee	9	0	0	1	33,447	0	0	0	1	3	0	33,461
Texas	4	1	1	0	273,705	13	1	0	0	8	0	273,733
Utah	2,436	131	1,652	183	10,178	44	3	0	1,234	1,558	202	17,621
Vermont	32,085	0	0	1	702	0	0	0	0	5	0	32,793
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	107,513	0	1	78	268,868	1	0	0	0	758	0	377,219
Washington	578	14	56	123	115,538	3	1	0	68	359	489	117,229
West Virginia	0	0	0	1	32,583	0	0	0	0	0	1	32,585
Wisconsin	109	2	6	0	27,189	0	0	0	0	253	1	27,560
Wyoming	4	0	18,386	4	4	0	0	0	0	26	0	18,424
Totals	1,814,312	8,485	511,855	13,443	4,487,573	600	61	26	66,559	116,185	290,336	7,309,435

Active Records in the NICS Indices												
<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	11	0	0	0	0	0	0	0	0	11
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	0	0	0	0	1	0	0	0	0	0	0	1
Army, U S	0	0	0	0	1	0	0	0	0	0	0	1
Department of Defense, U S	1	0	0	0	1	0	10,956	0	0	0	0	10,958
Naval Criminal Investigative Service, U S	0	0	0	0	0	0	0	0	0	1	0	1
Navy, U S	0	0	0	0	2	0	0	0	0	0	0	2
Department of Health and Human Services, U S	94	5	1	0	2	3	0	0	0	0	153	258
<u>Department of Homeland Security</u>												
Coast Guard, U S	26	0	0	63	0	1	26	0	2	0	0	118
Immigration and Customs Enforcement, U S	0	0	0	0	0	7,066,034	0	0	0	0	0	7,066,034
Secret Service, U S	4	0	0	269	343	0	0	0	0	1	1	618
Department of Housing and Urban Development, U S	14	2	0	0	0	0	0	0	0	0	0	16
Department of Interior, U S	0	0	0	0	1	0	0	0	0	0	0	1
<u>Department of Justice</u>												
Alcohol, Tobacco, Firearms, and Explosives, U S	13	0	0	14	63	59	1	0	1	11	1	163
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	70	0	0	0	0	0	70
Federal Bureau of Investigation, U S	10,228	185	6,765	1,274	1,250	3,550	36	1	327	26,109	6,199	55,924
Federal Prosecuting Attorneys	1,115,689	33,642	0	200	843	1,140	0	0	0	93	0	1,151,607
Department of State, U S	0	1	4	1	7	17	0	37,976	0	0	0	38,006
Department of Transportation, U S	0	0	0	0	0	1	0	0	0	0	0	1
<u>District of Columbia</u>												
Court Services & Offender Supervision Agency for the D C , U S	0	0	0	1,787	0	0	0	0	0	0	0	1,787
District of Columbia	0	0	0		752	0	0	0	0	0	0	752
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	5	0	0	0	0	0	5
Postal Inspection Service, U S	0	0	0	0	0	1	0	0	0	0	0	1
Railroad Retirement Board, U S	57	5	0	0	2	0	0	0	0	0	0	64
Small Business Administration	0	0	6	0	0	0	0	0	0	0	0	6
Social Security Administration, U S	208	50	19	0	0	0	0	0	0	0	13	290
Veterans Affairs Department, U S	0	0	9	0	167,815	0	0	0	0	0	0	167,824
Totals	1,126,609	33,890	6,815	3,608	171,083	7,070,884	11,019	37,977	330	26,215	6,367	8,494,797

Active Records in the NICS Indices												
<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	0	0	0	6	0	0	0	3	2	2	13
District Court, U S	0	0	0	0	14	0	0	0	0	0	0	14
Pretrial Services for the D C , U S	0	0	0	5,780	0	0	0	0	0	0	0	5,780
Totals	0	0	0	5,780	20	0	0	0	3	2	2	5,807

Total Active Records in the NICS Indices												
<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	1,814,312	8,485	511,855	13,443	4,487,573	600	61	26	66,559	116,185	290,336	7,309,435
Federal Agencies	1,126,609	33,890	6,815	3,608	171,083	7,070,884	11,019	37,977	330	26,215	6,367	8,494,797
Others	0	0	0	5,780	20	0	0	0	3	2	2	5,807
Grand Totals	2,940,921	42,375	518,670	22,831	4,658,676	7,071,484	11,080	38,003	66,892	142,402	296,705	15,810,039