NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

NICS Index

Brady Act Requirements

The Brady Handgun Violence Prevention Act of 1993 (Brady Act), Public Law 103-159 requires Federal Firearms Licensees (FFL) to request background checks on prospective firearm transferees. The permanent provisions of the Brady Act, effective November 30, 1998, mandated that the U.S. Attorney General establish the National Instant Criminal Background Check System (NICS). FFLs may contact the NICS by telephone or other electronic means to determine whether the transfer of a firearm would violate Section 922 (g) or (n) of Title 18, United States Code (U.S.C.) or state law.

The NICS is a national system that checks available records in the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Index to determine if prospective transferees are disqualified from receiving firearms.

Prohibiting Categories Defined by Statute

The NICS Index contains information provided by local, state, tribal, and federal agencies of persons prohibited from receiving firearms under federal or state law. The NICS Index contains prohibiting information which may not be found in the NCIC or the III.

Section 922 of the Gun Control Act prohibits certain persons from shipping or transporting any firearm in interstate or foreign commerce, or receiving any firearm which has been shipped or transported in interstate or foreign commerce, or possessing any firearm in or affecting commerce. These prohibitions apply to any person who:

18 U.S.C. §922 (g) (1)
Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

18 U.S.C. §922 (g) (2)
Is a fugitive from justice.

18 U.S.C. §922 (g) (3)
Is an unlawful user of or addicted to any controlled substance.

18 U.S.C. §922 (g) (4)
Has been adjudicated as a mental defective or committed to a mental institution.

18 U.S.C. §922 (g) (5)
Is illegally or unlawfully in the United States. Is an alien illegally or unlawfully in the United States or who has been admitted to the United States under a nonimmigrant visa.

18 U.S.C. §922 (g) (6)
Has been discharged from the Armed Forces under dishonorable conditions.

18 U.S.C. §922 (g) (7)
Having been a citizen of the United States, has renounced U.S. citizenship.

18 U.S.C. §922 (g) (8)
Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner.

18 U.S.C. §922 (g) (9)
Has been convicted in any court of a misdemeanor crime of domestic violence.

18 U.S.C. §922 (n)
Is under indictment for a crime punishable by imprisonment for a term exceeding one year.

In addition, the states and U.S. territories may have firearms prohibitors which may apply under certain circumstances.

Submission Process

The local, state, tribal, and federal agencies are provided with two modes to add, modify, supplement, or cancel NICS Index entries. The first mode is by a telecommunications network between the FBI and CJIS Systems Agency utilizing the NCIC interface. The second mode is a batch data transfer through the Law Enforcement Enterprise Portal Internet-based connection.

The contributing agency (CA) is responsible for the accuracy and validity of the NICS Index information, so it is imperative that the CA keep the NICS Index updated to minimize erroneous denials. The CA is also responsible for responding to appeals, assessments, and audits of the submitted records.

At times, the NICS Section receives inquiries from mental health professionals, police officers, family and friends, or others seeking placement of individuals into the NICS Index. Since entries are made only by qualified entities, those concerned should instead contact any agency which maintains documentation that the person in question is not allowed to have firearms under federal or state law, so that agency has the opportunity to contribute the information.

NICS Information

Customer Service
1-877-324-NICS (6427)

Facsimile
1-888-550-6427

Telecommunications Device for the Deaf (TDD)
1-877-NICS-TTY

NICS Web Site:
<www.fbi.gov/about-us/cjis/nics>

NICS E-Mail Address
<NICS@IC.fbi.gov>

July 2014

U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division

NICS Index

FEDERAL BUREAU OF INVESTIGATION
NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM