

FBI Criminal Justice Information Services Division
National Instant Criminal Background Check System (NICS) Section
Active Records in the NICS Indices as of December 31, 2020

Quick Reference Information

The NICS Indices contain information provided by federal, state, local, and tribal agencies of persons prohibited from receiving firearms under federal or state law. If the information is available in the National Crime Information Center (NCIC) or the Interstate Identification Index (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 federal or state agency.**

NICS Indices Categories and Participation

1. Felony—the number of entries in this category **might be low or nonexistent**, because the best location for the information is the III. A NICS Indices entry would be ideal if the felony conviction information is not available in the III.
2. Under Indictment/Information—the number of entries in this category **might be low or nonexistent** because this information may be found in the III.
3. Fugitive from Justice—the number of entries in this category **might be low or nonexistent** because, ideally, warrants are contained in the NCIC.
4. Unlawful User/Addicted to a Controlled Substance—this information may be found in the III; however, if a qualifying conviction does not exist, but the prohibition has been established, the NICS Indices is an alternative.
5. Adjudicated Mental Health—since most information for this prohibition is not available in the III, there is the expectation for the number of entries in this category to be elevated.
6. Illegal/Unlawful Alien—the U.S. Immigration and Customs Enforcement (ICE) makes the majority of the entries; therefore, the number of entries in this category by other federal agencies or the states **should be low or nonexistent**.
7. Dishonorable Discharge—the U.S. Department of Defense (DoD) makes entries; therefore, the number of entries in this category by other federal agencies or the states **should be low or nonexistent**.
8. Renounced U.S. Citizenship—the U.S. Department of State (DOS) makes entries; therefore, the number of entries in this category by other federal agencies or the states **should be low or nonexistent**.
9. Protection/Restraining Order for Domestic Violence—the number of entries in this category **might be low or nonexistent** because protection order information ideally is contained in the NCIC.
10. Misdemeanor Crimes of Domestic Violence (MCDV)—this information may be found in the III; however, if the information is unable to be updated to the III, the NICS Indices is an alternative.
11. 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, 2020

<u>State/Territory</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
Alabama	1	1	0	0	11,932	0	0	0	0	1	0	11,935
Alaska	3,871	0	0	0	821	0	0	0	1,916	122	14	6,744
American Samoa	0	0	0	0	0	0	0	0	0	0	0	0
Arizona	869	0	0	2	47,446	0	0	0	0	3	2	48,322
Arkansas	13,791	0	0	1	5,040	5	0	0	5	3,750	0	22,592
California	8,653	3	1	1	1,040,578	18	2	0	12	13,965	715,734	1,778,967
Colorado	21	2	0	1	107,050	1	0	0	342	449	46	107,912
Connecticut	394,748	33	0	2,026	86,708	3	0	0	3	32,320	156,697	672,538
Delaware	0	0	0	3	17,458	0	0	0	0	0	25	17,486
Florida	69,004	25	0	89	189,743	1	0	0	6	275	12,405	271,548
Georgia	0	0	0	44	15,996	2	0	0	0	1	0	16,043
Guam	0	0	0	0	0	0	0	0	0	0	0	0
Hawaii	3	0	0	23	9,140	0	0	0	0	11	54	9,231
Idaho	0	0	0	0	39,569	0	0	0	0	1	1	39,571
Illinois	25,644	3,898	47	2,261	64,272	790	50	14	464	4,040	34,111	135,591
Indiana	507,621	7	0	3	14,271	0	0	0	2	13,004	3,391	538,299
Iowa	162	31	1	136	57,621	8	4	0	79	212	45	58,299
Kansas	0	0	0	2,294	7,893	0	0	0	2	8,288	325	18,802
Kentucky	4,538	16	0	7	48,746	0	0	0	0	765	0	54,072
Louisiana	552,084	121,623	0	11,721	9,993	1	0	0	4,243	37,008	8,990	745,663
Maine	46,978	1,869	0	421	5,544	0	0	0	0	3,376	2,728	60,916
Mariana Islands	0	0	0	0	0	0	0	0	0	0	0	0
Maryland	18	0	0	3	18,134	0	0	0	1	0	9,850	28,006
Massachusetts	258,093	83	0	36	56,406	0	0	0	0	2,442	490,020	807,080
Michigan	262	9	4	1,177	168,804	1	2	0	136	77	664	171,136
Minnesota	86	3	2	989	78,663	0	0	0	44	91	3,735	83,613
Mississippi	0	0	0	0	23,452	0	0	0	0	0	0	23,452
Missouri	1	0	0	13	55,601	0	0	0	0	0	0	55,615
Montana	1	0	0	1	36	0	0	0	0	1	0	39
Nebraska	10	2	0	2	33,208	1	0	0	0	1,783	2,142	37,148
Nevada	2,056	0	0	9	10,290	0	0	0	179	3,307	89	15,930
New Hampshire	154,810	0	0	659	635	0	0	0	0	15,251	1	171,356
New Jersey	31	0	0	1	504,635	19	0	0	25	49	0	504,760
New Mexico	217,176	0	0	0	20,904	0	0	0	4,147	27,370	0	269,597
New York	1	1	0	0	786,713	0	0	0	62,741	360	121,865	971,681
North Carolina	287,066	33	12	15	442,264	14	34	2	355	2,158	473	732,426
North Dakota	0	0	0	0	6,396	0	0	0	0	1	0	6,397
Ohio	3	0	0	23	71,111	0	0	0	2	1	5	71,145
Oklahoma	1,783	0	0	0	7,176	0	0	0	1	97	0	9,057
Oregon	0	1	0	7	38,177	0	0	0	0	0	1	38,186
Pennsylvania	343,747	0	0	1,266	944,974	1	2	0	0	30	121,665	1,411,685
Puerto Rico	22,037	974	0	0	0	0	0	0	0	0	0	23,011
Rhode Island	0	0	0	2	1,855	0	0	0	0	0	0	1,857
South Carolina	2,102	1,220	0	3,910	103,357	2	1	0	19	8	3,000	113,619
South Dakota	2	0	0	0	1,786	0	0	0	0	0	0	1,788
Tennessee	14	0	0	1	63,830	0	0	0	1	9	0	63,855
Texas	108,682	0	0	3	321,137	14	1	0	0	32	4	429,873
Utah	2,338	192	0	192	14,762	40	3	0	1,403	1,683	1,144	21,757
Vermont	32,429	0	0	9	2,436	0	0	0	0	2	560	35,436
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	108,960	21	0	558	304,758	0	1	0	1	2,791	57,628	474,718
Washington	1,449	52	25	131	154,620	40	4	3	234	608	3,332	160,498
West Virginia	1	2	0	3	74,199	2	0	0	0	0	1	74,208
Wisconsin	132	2	0	426	43,461	0	0	1	5	373	0	44,400
Wyoming	15	1	0	38	16	0	0	0	4	58	0	132
Totals	3,171,293	130,104	92	28,507	6,133,617	963	104	20	76,372	176,173	1,750,747	11,467,992

**Active Records in the NICS Indices
As of December 31, 2020**

<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	10	10
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.	7,126	368	1	4,765	32	0	1,151	0	1	308	0	13,752
Army, U.S.	19,963	261	41	6,977	14	0	6,644	0	0	812	0	34,712
Department of Defense, U.S.	220	40	0	0	1	0	5,038	0	0	0	0	5,299
Marines, U.S.	1,617	39	0	748	5	3	1,527	0	10	106	0	4,055
National Security Agency, U.S.				4								4
Naval Criminal Investigative Service, U.S.	5,465	56	0	1,369	18	0	4,386	0	5	298	0	11,597
Navy, U.S.	0	0	0	0	2	0	0	0	0	0	0	2
Pentagon Force Protection Agency	1	1	0	0	0	0	0	0	0	0	0	2
Department of Education, U.S.	51	2	0	0	1	0	0	0	0	0	0	54
Department of Energy, U.S.	0	0	0	0	1	0	0	0	0	0	0	1
Department of Health and Human Services, U.S.	1,066	15	0	0	16	3	0	0	0	0	91	1,191
<u>Department of Homeland Security</u>												
Coast Guard, U.S.	37	3	0	145	0	1	28	0	2	4	0	220
Customs and Border Protection, U.S.	0	0	0	0	0	1,512,878	0	0	0	0	0	1,512,878
Immigration and Customs Enforcement, U.S.	0	0	0	0	0	8,428,053	0	0	0	0	0	8,428,053
Secret Service, U.S.	4	0	0	472	649	0	0	0	1	1	1	1,128
Department of Housing and Urban Development, U.S.	67	30	0	0	0	0	0	0	0	0	0	97
Department of Interior, U.S.	2	1	0	0	1	0	0	0	0	0	0	4
<u>Department of Justice</u>												
Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S.	37	2	0	39	93	67	1	0	3	32	2	276
Department of Justice, U.S.	1	0	0	0	0	4	0	0	0	2	0	7
Drug Enforcement Administration, U.S.	0	0	0	0	0	166	0	0	0	0	0	166
Federal Bureau of Investigation, U.S.	11,160	2,358	4	2,671	1,573	7,959	41	0	513	44,130	14,389	84,798
Federal Prosecuting Attorneys	1,353,818	49,195	0	162	1,064	44,160	0	0	0	150	0	1,448,549
Department of Labor, U.S.	4	10	0	0	0	0	0	0	0	0	0	14
Department of State, U.S.	1	0	0	0	8	18	0	53,955	0	0	0	53,982
Department of Transportation, U.S.	0	0	0	0	2	1	0	0	0	0	0	3
Department of the Treasury, U.S.	1	1	0	0	0	0	0	0	0	0	0	2
<u>District of Columbia</u>												
Court Services & Offender Supervision Agency for the D.C., U.S.	0	0	0	2,058	0	0	0	0	0	0	0	2,058
District of Columbia	1	0	0		1,486	0	3	0	0	0	0	1,490
Export-Import Bank of the U.S.	4	0	0	0	0	2	0	0	0	0	0	6
Federal Deposit Insurance Corporation	48	5	0	0	0	0	0	0	0	0	0	53
Federal Housing Finance Agency	298	143	5	0	0	0	0	0	0	0	0	446
General Services Administration	40	1	0	0	0	0	0	0	0	0	0	41
Internal Revenue Service	41,340	0	0	0	0	7	0	0	0	0	0	41,347
Postal Service, U.S.	915	693	2	0	0	7	0	0	0	0	12	1,629
Railroad Retirement Board, U.S.	103	1	0	0	3	0	0	0	0	0	0	107
Small Business Administration	4	11	0	0	0	0	0	0	0	0	0	15
Social Security Administration, U.S.	464	46	0	0	1	1	0	0	0	0	15	527
Veterans Affairs Department, U.S.	0	0	0	0	258,255	0	0	0	0	0	14	258,269
Totals	1,444,133	53,282	53	19,410	263,225	9,993,330	18,819	53,955	535	45,843	14,534	11,907,119

Active Records in the NICS Indices As of December 31, 2020												
<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	33	0	0	1	13	0	0	0	3	175	44	269
District Court, U.S.	0	0	0	0	25	0	0	0	0	0	0	25
Pretrial Services for the D.C., U.S.	0	0	0	1,828	0	0	0	0	0	0	0	1,828
Totals	33	0	0	1,829	38	0	0	0	3	175	44	2,122

Active Records in the NICS Indices As of December 31, 2020												
<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	3,171,293	130,104	92	28,507	6,133,617	963	104	20	76,372	176,173	1,750,747	11,467,992
Federal Agencies	1,444,133	53,282	53	19,410	263,225	9,993,330	18,819	53,955	535	45,843	14,534	11,907,119
Others	33	0	0	1,829	38	0	0	0	3	175	44	2,122
Grand Totals	4,615,459	183,386	145	49,746	6,396,880	9,994,293	18,923	53,975	76,910	222,191	1,765,325	23,377,233

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The Brady Handgun Violence Prevention Act of 1993, 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 queries three national databases for possible matches when conducting a NICS check. These databases are: (1) the NCIC, which contains records of wanted persons, subjects of protection orders, and others who pose a threat to officer and public safety; (2) the III, which provides access to criminal history records; and (3) the NICS Indices, which contain information on prohibited persons as defined by Title 18, United States Code (U.S.C.), Section 922(g) or (n) or state law. The NICS Indices contain information provided by federal, state, local, and tribal agencies. 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 federal agency or a state.

In March 2018, Congress passed the Fix NICS Act (the Act), Pub. L. 115-141, tit. VI, which aims to improve the NICS by imposing two primary requirements with regard to making records available. First, the Act requires federal departments and agencies to submit semi-annual certifications to the Attorney General indicating whether the agency is in compliance with the NICS record submission requirements. Second, the federal departments and agencies and the state governments were requested to establish 4-year implementation plans, which are meant “to ensure maximum coordination and automated reporting or making available of records to the Attorney General, and the verification of the accuracy of those records.” The plans must include annual benchmarks for a number of metrics. The basics of the implementation plans included reporting or making appropriate records available to the NICS, identifying any gaps in record reporting, and verifying the accuracy of relevant records over the 4-year period.

Federal departments and agencies are expected to make all 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 18 U.S.C. § 922(g) or (n). This can be accomplished through adding information to the NCIC, the III, or the NICS Indices. For state governments, making information available to the NICS Indices remains optional.

The categories in the NICS Indices mirror the prohibitions under 18 U.S.C. § 922(g) and (n) and include state prohibitions. It is critical to note that the NICS Indices is ever-changing. Contributors add, cancel, and modify the 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. It is important to note, not all federal agencies possess relevant records pursuant to the Act. 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 contained in 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. If the arrest includes 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 processed/prosecuted at the federal level 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 found in the III or entered into the NICS Indices. However, information regarding individuals under indictment or information is not often found in the III. Therefore, the NICS Indices is an alternative. Although this is a prohibitor, some states may have limited resources to make and maintain the NICS Indices entry for this temporary prohibition. The DOJ is undertaking the administrative burden for federal agencies by submitting indictments and informations processed/prosecuted to the NICS Indices.

Fugitive from Justice—The 18 U.S.C. § 922 (g)(2) prohibition refers to persons who are fugitives from justice and includes active misdemeanor or felony criminal warrants. All warrants should be entered into the NCIC, but when the NCIC requirements are not met, and a wanted person has met the fugitive from justice criteria, 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 felony warrants processed 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 required to be established in the NICS Indices.

Adjudicated Mental Health—Information on persons adjudicated as a mental defective or involuntarily committed to a mental institution for treatment may be 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, entry into the NICS Indices is an alternative. Civil cases would not be available on the III and would qualify for entry into the NICS Indices. 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 ICE. Therefore, entry by other federal agencies or the states 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 DoD or the appropriate branch of the military. Therefore, entry by other federal agencies or the states 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 DOS. Therefore, entry by other federal agencies or the states would be minimal to nonexistent in this category.

Protection/Restraining Order for Domestic Violence—Protection or Restraining Order information is 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.

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.