

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, 2018

Quick Reference Information

The NICS Indices contain 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 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 state or federal agency.**

NICS Indices Categories and Participation

1. Felony—the number of entries in this category **might be low or nonexistent**, because the ideal 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 is a temporary prohibition.
3. Fugitive from Justice—the number of entries in this category **might be low or nonexistent** because warrants should be 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 a viable option.
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 entries; therefore, the number of entries in this category by states or other federal agencies **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 states or other federal agencies **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 states or other federal agencies **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 should be 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 a viable option.
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, 2018

<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	0	0	0	8,139	0	0	0	0	1	0	8,141
Alaska	4,458	0	0	0	432	0	0	0	1,722	2	30	6,644
American Samoa	0	0	0	0	0	0	0	0	0	0	0	0
Arizona	36	0	0	22	36,305	0	0	0	0	3	3	36,369
Arkansas	13,056	0	0	9	4,209	5	0	0	5	3,098	0	20,382
California	7,038	0	0	1	896,093	21	2	0	10	11,622	375,881	1,290,668
Colorado	17	0	0	2	86,005	1	0	0	288	346	1	86,660
Connecticut	379,985	12	0	6,277	64,500	3	0	0	234	29,719	152,230	632,960
Delaware	0	0	0	0	17,300	0	0	0	0	0	1	17,301
Florida	68,506	0	0	162	165,582	1	0	0	5	199	12,006	246,461
Georgia	0	0	0	14	12,706	1	0	0	0	1	1	12,723
Guam	0	0	0	0	0	0	0	0	0	0	0	0
Hawaii	0	1	0	2	8,455	0	0	0	0	8	14	8,480
Idaho	0	0	0	0	37,304	0	0	0	0	1	0	37,305
Illinois	16,047	3,225	15	724	57,898	815	38	31	465	1,459	18,656	99,373
Indiana	457,554	1	0	2	11,739	0	0	0	0	5	6	469,307
Iowa	145	37	1	67	52,079	3	3	0	76	169	9	52,589
Kansas	0	0	0	191	7,322	0	0	0	2	7,034	0	14,549
Kentucky	4,467	94	0	31	43,128	0	0	0	0	628	0	48,348
Louisiana	486,035	79,633	0	1	7,235	1	0	0	2,474	30,845	7,658	613,882
Maine	44,393	0	0	510	4,759	0	0	0	0	2,767	2,056	54,485
Mariana Islands	0	0	0	0	0	0	0	0	0	0	0	0
Maryland	14	0	1	6	15,664	0	0	0	1	0	7,487	23,173
Massachusetts	243,636	0	1	12	39,246	0	0	0	0	2,442	465,815	751,152
Michigan	118	1	1	2,092	157,670	2	2	0	19	59	787	160,751
Minnesota	71	9	1	779	66,323	0	0	0	29	75	3,112	70,399
Mississippi	0	0	0	0	18,204	0	0	0	0	0	0	18,204
Missouri	1	0	0	17	51,513	0	0	0	0	0	0	51,531
Montana	1	0	0	0	36	0	0	0	0	1	0	38
Nebraska	5	0	1	0	31,843	1	0	0	0	448	670	32,968
Nevada	1,324	0	1	52	8,141	1	0	0	153	2,605	132	12,409
New Hampshire	144,441	0	0	1,263	560	0	0	0	0	14,701	1	160,966
New Jersey	27	0	0	3	466,883	23	0	0	23	40	0	466,999
New Mexico	204,459	0	0	2	12,927	0	0	0	2,757	27,382	0	247,527
New York	1	0	0	0	628,190	0	0	0	62,791	0	106,265	797,247
North Carolina	127,125	4	9	23	421,341	12	34	1	263	2,109	426	551,347
North Dakota	0	0	0	0	4,510	0	0	0	0	1	0	4,511
Ohio	2	0	0	1	63,415	0	0	0	0	1	2	63,421
Oklahoma	1	0	0	0	4,220	0	0	0	1	0	0	4,222
Oregon	2	0	0	0	44,997	0	0	0	0	2	3	45,004
Pennsylvania	333,427	0	0	2,255	868,397	1	1	0	0	8	116,681	1,320,770
Puerto Rico	17,449	2,997	0	0	0	0	0	0	0	0	0	20,446
Rhode Island	0	0	0	2	949	0	0	0	0	0	0	951
South Carolina	1,212	195	0	6,391	91,769	0	0	0	11	3	1,364	100,945
South Dakota	1	0	0	0	1,230	0	0	0	0	0	0	1,231
Tennessee	12	0	0	0	47,362	0	0	0	1	9	0	47,384
Texas	7,353	0	0	0	297,036	14	1	0	0	10	0	304,414
Utah	2,387	170	0	177	12,266	42	3	0	1,236	1,606	705	18,592
Vermont	32,412	0	0	18	1,651	0	0	0	0	3	211	34,295
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	108,402	3	1	218	315,040	1	0	0	3	1,624	90	425,382
Washington	980	26	8	131	134,399	17	1	0	163	505	976	137,206
West Virginia	0	1	0	14	57,426	0	0	0	0	0	1	57,442
Wisconsin	118	2	0	72	35,489	0	0	1	0	305	1	35,988
Wyoming	9	0	0	3	7	0	0	0	0	43	0	62
Totals	2,706,728	86,411	40	21,546	5,419,894	965	85	33	72,732	141,889	1,273,281	9,723,604

Active Records in the NICS Indices
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<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.	6,535	164	0	1,616	31	0	1,065	0	1	160	0	9,572
Army, U.S.	19,387	289	18	7,331	14	0	6,369	0	0	317	0	33,725
Department of Defense, U.S.	60	0	0	0	1	0	4,867	0	0	0	0	4,928
Marines, U.S.	560	34	0	153	5	0	263	0	3	36	0	1,054
Naval Criminal Investigative Service, U.S.	2,399	59	0	60	13	0	3,826	0	0	72	0	6,429
Navy, U.S.	0	0	0	0	2	0	0	0	0	0	0	2
Pentagon Force Protection Agency	0	0	0	17	0	0	0	0	0	0	0	17
Department of Education, U.S.	49	2	0	0	0	0	0	0	0	0	0	51
Department of Energy, U.S.	0	0	0	4	1	0	0	0	0	0	0	5
Department of Health and Human Services, U.S.	585	20	0	0	16	3	0	0	1	0	185	810
<u>Department of Homeland Security</u>												
Coast Guard, U.S.	36	0	0	106	1	1	30	0	2	5	0	181
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	7,881,543	0	0	0	0	0	7,881,543
Secret Service, U.S.	4	0	0	478	466	0	0	0	1	1	1	951
Department of Housing and Urban Development, U.S.	31	62	0	0	0	0	0	0	0	0	0	93
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.	24	2	1	36	90	67	1	0	1	22	4	248
Department of Justice, U.S.	0	0	0	0	0	1	0	0	0	2	0	3
Drug Enforcement Administration, U.S.	0	0	0	0	0	133	0	0	0	0	0	133
Federal Bureau of Investigation, U.S.	9,586	303	1,930	2,458	1,411	5,572	37	0	545	32,589	8,688	63,119
Federal Prosecuting Attorneys	1,224,952	42,633	0	312	905	17,487	0	0	0	120	0	1,286,409
Department of State, U.S.	1	1	0	1	8	18	0	46,527	0	0	0	46,556
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	5,847	0	0	0	0	0	0	0	5,847
District of Columbia	1	0	0	0	813	0	0	0	0	0	0	814
Export-Import Bank of the U.S.	0	0	0	0	0	2	0	0	0	0	0	2
Federal Deposit Insurance Corporation	33	0	0	0	0	0	0	0	0	0	0	33
Federal Housing Finance Agency	0	1	0	0	0	0	0	0	0	0	0	1
General Services Administration	1	1	0	0	0	0	0	0	0	0	0	2
Internal Revenue Service	0	0	0	0	0	3	0	0	0	0	0	3
Postal Service, U.S.	19	0	0	0	0	6	0	0	0	0	0	25
Railroad Retirement Board, U.S.	94	2	0	0	2	0	0	0	0	0	0	98
Small Business Administration	4	20	0	0	0	0	0	0	0	0	0	24
Social Security Administration, U.S.	355	35	0	0	0	0	0	0	0	0	14	404
Tennessee Valley Authority, U.S.	0	0	0	11	0	0	0	0	0	0	0	11
Veterans Affairs Department, U.S.	0	0	0	0	246,203	0	0	0	0	0	13	246,216
Totals	1,264,991	43,628	1,949	18,431	249,985	7,904,839	16,458	46,527	554	33,324	8,915	9,589,601

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Others	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	2	1	0	0	10	0	0	0	2	163	32	210
District Court, U.S.	0	0	0	0	20	0	0	0	0	0	0	20
Pretrial Services for the D.C., U.S.	0	0	0	5,175	0	0	0	0	0	0	0	5,175
Totals	2	1	0	5,175	30	0	0	0	2	163	32	5,405

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Total Records	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	2,706,728	86,411	40	21,546	5,419,894	965	85	33	72,732	141,889	1,273,281	9,723,604
Federal Agencies	1,264,991	43,628	1,949	18,431	249,985	7,904,839	16,458	46,527	554	33,324	8,915	9,589,601
Others	2	1	0	5,175	30	0	0	0	2	163	32	5,405
Grand Totals	3,971,721	130,040	1,989	45,152	5,669,909	7,905,804	16,543	46,560	73,288	175,376	1,282,228	19,318,610

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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 NCIC, the III, and the NICS Indices to determine if prospective transferees are disqualified from receiving firearms.

The NICS Indices contain 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 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 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 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 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 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 a viable option. 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 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 DoD 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 DOS. 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 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.