



Records, Communications and Compliance Division
Records Bureau
Criminal History Repository

Presentation to the NCJIS Subcommittee
Regarding Fix NICS Act of 2017
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Fix NICS Act of 2017

- The Fix NICS Act of 2017 is a United States federal law passed as part of the Consolidated Appropriations Act, signed as Pub.L.115-141 by President Donald Trump on March 23, 2018. The law applies penalties to government agencies for not reporting to the National Instant Criminal Background Check System (NICS). It was introduced in the 115th United States Congress in the wake of the Sutherland Springs church shooting.



Fix NICS Act of 2017, continued

- The Fix NICS Act of 2017, in part, requires federal agencies and states to establish a NICS Implementation Plan that focuses on practices, policies and procedures to increase NICS record-sharing with the goal of preventing prohibited persons from receiving or possessing a firearm.



Fix NICS Act Implementation Plan

- The Records, Communications and Compliance Division (RCCD) is currently working to draft Nevada's NICS Implementation Plan to meet the requirements of the Fix NICS Act of 2017.



NICS Record Sharing – Current

- Current practices or procedures to maximize NICS Indices record submissions and accuracy verification:
 - Brady Point of Contact (POC) Unit is conducting an audit of over 7,600 mental health entries into the NICS Indices to ensure all backup documentation has been obtained and all identifying information available has been entered.
 - Criminal Records Unit (CRU) is supplying the Brady POC Unit with possible domestic violence convictions as CRU enters the record into the Computerized Criminal History (CCH) system. The Brady POC completes research on the convictions to determine the relationship to victim as well as the conviction to determine if its federally disqualifying. Since May of 2018, the Brady POC has entered 248 domestic disqualifications into the NICS Indices.



NICS Record Sharing - Current, continued

- CRU is providing the Brady POC Unit with Felony conviction documents, as they enter the dispositions into the CCH, for research and entry into the NICS Indices on qualified convictions. Since May of 2018, the Brady POC has entered 495 felony convictions into the NICS Indices.
- CRU is conducting ongoing outreach to criminal justice partners relating to the submission of arrest and disposition information. This outreach is focusing on each individual jurisdiction.



NICS Record Sharing – Current, continued

- Information found during a firearm background checks that are federally disqualifying for Nevada convictions for felony level crimes, crimes of domestic violence or recent drug related crimes are entered into the NICS Indices.
 - Extended domestic violence protection orders are entered into the NICS Indices upon receipt from RCCD* as either a federal disqualifier or state disqualifier (depending on relationship criteria).
- *RCCD data enters a small percentage of protection orders on behalf of courts that do not enter their own.



NICS Record Sharing – Current, continued

- All mental defective adjudications are to be submitted to the Nevada POC within five (5) business days of adjudication per Nevada Revised Statute (NRS) 174.035. The majority of mental defective submissions received by the POC are entered within one (1) hour of receipt (usually immediately), but no later than the close of business that day.
- Ongoing outreach is conducted by one of the Brady POC Supervisors at several locations per year. The focus of the Brady POC Supervisor's outreach is sharing the ten (10) federal disqualifiers related to firearms purchases and the importance of complete/accurate criminal history records when completing a firearms background check.



NICS Record Sharing – Future Plan

- Highlights of Nevada's Fix NICS Implementation Plan:
 - Establish policies and procedures pertaining to fingerprint submissions and disposition reporting.
 - With involvement of our criminal justice partners through this working group.
 - Submit drafted language pertaining to fingerprint submissions and disposition reporting for a potential Bill Draft Request through this working group, the CJIS Subcommittee and the ACAJ.



NICS Record Sharing – Future Plan continued

- Modify RCCD's existing Criminal Audit program to include the fingerprint submission and disposition reporting requirements, once defined in policies to ensure compliance.
- Brady POC will receive all extended protection orders data entered statewide into the new Protection Order Program to conduct research and determine if the record can be entered into the NICS Indices.

