

**FBI Criminal Justice Information Services (CJIS) Division
National Instant Criminal Background Check System (NICS) Section
Active Records in the NICS Index as of December 31, 2015**

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 Index to determine if prospective transferees are disqualified from receiving firearms.

The NICS Index 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 Index is not necessary. Therefore, certain categories within the NICS Index 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 Index. However, on the state level, unless otherwise instructed by state law or federal funding requirements, participation in the NICS Index is strictly voluntary.

The categories in the NICS Index mirror the prohibitions under 18 U.S.C. § 922 and include state prohibitions. It is critical to note that the NICS Index is ever-changing. Contributors add, delete, and modify NICS Index entries with frequency. In addition, certain prohibitive categories contain an expiration date, which could necessitate the related information's removal from the NICS Index. Each contributor to the NICS Index is responsible for the accuracy and validity of its own NICS Index 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 Index.

The following describes the cases in which an individual would be prohibited from possessing or receiving a firearm based on information from the NICS Index:

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 Index 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 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 Index 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 Index.

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 Index 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 Index.

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 Index. 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 Index. Since this is a temporary prohibition (one year), an expiration date is established in the NICS Index. The DOJ is undertaking the administrative burden for federal agencies by submitting drug-related federal convictions it processes/prosecutes to the NICS Index.

Adjudicated Mental Health—Persons adjudicated as a mental defective or involuntarily committed to a mental institution for treatment are entered into the NICS Index. 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 Index. Civil cases would not be available on the III and would qualify for entry into the NICS Index. Therefore, unless state legislation prohibits sharing mental health information, the NICS Index would be the applicable location for agencies to share this type of information. For the federal mental health information, the NICS Index 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 Index 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 Index 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 Index 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 Index 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 Index 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 Index.

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.

Federally Denied Persons File (DPF)—Prior to the passage of the NIAA, the DPF existed because the NICS did not have a category for every prohibitor. Once all prohibitive categories were made available, contributors moved their information from the DPF to the appropriate category.

Active Records in the NICS Index												
State/Territory	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	0	0	1	2	1,903	0	1	0	1	1	0	1,909
Alaska	4,338	0	0	0	93	0	0	0	1,199	0	0	5,630
American Samoa	0	0	0	0	0	0	0	0	0	0	0	0
Arizona	4	1	1	18	23,032	0	0	0	0	2	3	23,061
Arkansas	11,665	0	1	0	2,892	2	0	0	2	2,460	0	17,022
California	4,432	0	8	2	684,341	19	2	0	10	8,245	0	697,059
Colorado	7	0	0	0	61,848	0	0	0	212	186	0	62,253
Connecticut	348,793	316	47,279	5,664	22,752	0	0	0	689	21,064	89,630	536,187
Delaware	0	0	0	0	19,819	0	0	0	0	0	0	19,819
Florida	89,190	0	1	18	133,118	0	0	0	2	25	9,891	232,245
Georgia	0	0	0	23	10,053	0	0	0	0	1	1	10,078
Guam	0	0	0	0	0	0	0	0	0	0	0	0
Hawaii	0	0	0	0	2,065	0	0	0	0	3	1	2,069
Idaho	0	0	0	0	6,869	0	0	0	0	1	0	6,870
Illinois	2,682	1,767	27	623	47,386	293	9	9	293	227	7,167	60,483
Indiana	770	1	0	0	8,443	0	0	0	0	2	0	9,216
Iowa	95	23	3	32	41,333	2	3	0	66	139	1	41,697
Kansas	0	0	0	0	6,172	0	0	0	2	899	0	7,073
Kentucky	4,081	124	3,773	11	23,506	0	0	0	0	220	0	31,715
Louisiana	324,419	0	0	0	2,735	1	0	0	1,209	19,829	2,463	350,656
Maine	6	0	0	0	3,150	0	0	0	0	0	0	3,156
Mariana Islands	0	0	0	1	0	0	0	0	0	0	0	1
Maryland	13	0	0	0	13,971	0	0	0	0	0	6	13,990
Massachusetts	19	0	416,047	1,598	11,541	0	0	0	0	0	0	429,205
Michigan	20	0	2	2,057	132,084	0	1	0	1	4	334	134,503
Minnesota	37	1	2	676	50,619	0	0	0	7	32	1,177	52,551
Mississippi	0	0	0	0	9,182	0	0	0	0	0	0	9,182
Missouri	0	0	0	4	44,374	0	0	0	0	635	0	45,013
Montana	1	1	0	0	3	0	0	0	0	2	0	7
Nebraska	3	0	1	0	27,895	1	0	0	0	22	0	27,922
Nevada	161	0	1	78	5,188	1	2	0	310	1,085	0	6,826
New Hampshire	197	0	0	2,880	2	0	0	0	0	13,714	0	16,793
New Jersey	19	0	0	0	449,153	12	0	0	15	23	0	449,222
New Mexico	190,767	1	0	0	6,999	0	0	0	2,947	27,411	0	228,125
New York	0	0	0	1	382,870	0	0	0	52,653	0	96,797	532,321
North Carolina	989	2	20	47	139,663	10	25	1	136	1,800	309	143,002
North Dakota	0	0	0	0	1,258	0	0	0	0	1	0	1,259
Ohio	1	0	1	0	51,011	0	0	0	0	0	0	51,013
Oklahoma	1	1	0	0	1,004	0	0	0	1	0	0	1,007
Oregon	2	0	0	0	31,136	0	0	0	0	2	0	31,140
Pennsylvania	2	0	2	99	756,952	0	1	0	0	0	0	757,056
Puerto Rico	8,427	9,147	0	0	0	0	0	0	0	0	0	17,574
Rhode Island	0	0	0	0	306	0	0	0	0	0	0	306
South Carolina	6	0	5	11	75,089	8	3	0	2	2	0	75,126
South Dakota	0	0	0	0	549	0	0	0	0	0	0	549
Tennessee	8	0	0	6	25,596	0	0	0	1	2	0	25,613
Texas	2	0	0	0	262,069	12	1	0	0	6	0	262,090
Utah	2,435	147	1,623	194	9,147	45	3	0	1,166	1,497	20	16,277
Vermont	31,922	0	0	0	414	0	0	0	0	6	0	32,342
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	106,916	0	1	53	246,053	0	0	0	0	287	0	353,310
Washington	400	10	53	79	106,436	2	1	0	115	356	314	107,766
West Virginia	0	0	0	0	21,785	0	0	0	0	0	2	21,787
Wisconsin	106	2	6	6	23,023	0	0	0	0	252	1	23,396
Wyoming	3	0	17,780	2	4	0	0	0	0	13	0	17,802
Totals	1,132,939	11,544	486,638	14,185	3,986,886	408	52	10	61,039	100,456	208,117	6,002,274

Active Records in the NICS Index												
<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	7	0	0	0	0	0	0	0	0	7
Department of Agriculture, U.S.	275	1	0	0	0	0	0	0	0	0	0	276
Department of Defense												
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	34	1	0	0	0	0	0	0	35
Department of Defense, U.S.	1	0	0	0	1	0	10,711	0	0	0	0	10,713
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	1	0	0	0	0	0	0	1
Department of Health and Human Services, U.S.	77	4	0	0	0	3	0	0	0	0	116	200
Department of Homeland Security												
Coast Guard, U.S.	22	0	0	73	0	1	24	0	0	0	0	120
Immigration and Customs Enforcement, U.S.	1	0	0	0	0	6,688,523	0	0	0	0	0	6,688,524
Secret Service, U.S.	3	1	0	269	296	0	0	0	0	0	1	570
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	3	0	0	0	0	0	0	3
Department of Justice												
Alcohol, Tobacco, Firearms, and Explosives, U.S.	8	3	1	4	58	59	1	0	1	8	1	144
Department of Justice, U.S.	0	0	0	0	1	1	0	0	0	0	0	2
Drug Enforcement Administration, U.S.	0	0	0	0	0	55	0	0	0	0	0	55
Federal Bureau of Investigation, U.S.	9,928	701	7,624	1,919	1,215	2,833	33	1	353	25,686	6,425	56,718
Federal Prosecuting Attorneys	1,064,139	33,239	0	197	832	936	0	0	0	84	0	1,099,427
Department of State, U.S.	0	1	0	2	6	17	0	32,654	0	0	0	32,680
Department of Transportation, U.S.	0	0	0	0	0	1	0	0	0	0	0	1
District of Columbia												
Court Services & Offender Supervision Agency for the D.C., U.S.	0	0	0	1,649	0	0	0	0	0	0	0	1,649
District of Columbia	0	0	0	0	694	2	0	1	0	0	0	697
Internal Revenue Service	0	0	0	0	0	12	0	0	0	0	0	12
Postal Inspection Service, U.S.	0	0	0	0	0	1	0	0	0	0	0	1
Railroad Retirement Board, U.S.	50	6	0	0	2	0	0	0	0	0	0	58
Social Security Administration, U.S.	91	39	4	0	0	0	0	0	0	0	11	145
Veterans Affairs Department, U.S.	0	0	11	0	260,381	0	0	0	0	0	0	260,392
Totals	1,074,609	33,997	7,647	4,147	263,492	6,692,444	10,769	32,656	354	25,779	6,554	8,152,448

Active Records in the NICS Index												
<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
District Court, U.S.	0	0	0	0	10	0	0	0	0	0	0	10
Pretrial Services for the D.C., U.S.	0	0	0	4,879	0	0	0	0	0	0	0	4,879
Totals	0	0	0	4,879	10	0	0	0	0	0	0	4,889

<u>Total Records</u>	Total Active Records in the NICS Index											
	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	1,132,939	11,544	486,638	14,185	3,986,886	408	52	10	61,039	100,456	208,117	6,002,274
Federal Agencies	1,074,609	33,997	7,647	4,147	263,492	6,692,444	10,769	32,656	354	25,779	6,554	8,152,448
Others	0	0	0	4,879	10	0	0	0	0	0	0	4,889
Grand Totals	2,207,548	45,541	494,285	23,211	4,250,388	6,692,852	10,821	32,666	61,393	126,235	214,671	14,159,611

Note: The Small Business Administration, Export-Import Bank of the United States, and some tribal agencies have made submissions to the NICS Index. However due to some technical issues, they are not reported individually but rather their submissions have been included in other categories. This issue has been corrected and these agencies will be accounted for with all future statistical reporting.