



FEDERALLY LICENSED RETAILERS are required to run a background check through the FBI's National Instant Criminal Background Check System (NICS)ⁱ when transferring a firearm to an individual. Firearms retailers rely on NICS to ensure the lawful transfer of firearms to law-abiding citizens. About 260 million NICS background checks have been conducted from Nov. 30, 1998 through March 31, 2017; more than 27 million were conducted in 2016 alone.

However, a background check is only as good as the records in the database. That is why the firearms industry supports improving the current NICS system by increasing the number of prohibiting records states submit to the FBI databases, helping to prevent illegal transfers of firearms to those who are prohibited from owning firearms under current law. Including these missing records will help ensure more accurate and complete background checks.

States must improve the NICS database by submitting any and all records establishing an individual is a prohibited person, such as mental health records showing someone is an "adjudicated mental defective" or involuntarily committed to a mental institute, as well as official government records showing someone is the subject of a domestic violence protective order, a drug addict or subject to another prohibited category.ⁱⁱ

The firearms industry has a long record of supporting background checks.ⁱⁱⁱ The NSSF-supported background checks prior to the passage in 1993 of the Brady Act that created a point of retailer sale background check system and NICS in 1998. The existing background check system must be fixed, however, before Congress even considers whether to expand background checks, otherwise we'll just have more incomplete and inaccurate checks.

The National Shooting Sports Foundation represents 13,000 firearms and ammunition manufacturers, retailers and ranges. Our members are committed to following the law and promoting the safe, legal transfer of firearms.

FIREARMS & AMMUNITION INDUSTRY CAMPAIGN TO "FIX NICS"

State participation in the NICS system is voluntary as the federal government cannot mandate state participation due to the 10th Amendment of the U.S. Constitution.^{iv}

In 2013, the firearms and ammunition industry investigated how many states were submitting prohibiting mental health and other disqualifying records to NICS. The industry obtained data from the FBI showing that at the end of 2012, far too many states failed to submit these records that established someone is prohibited from owning a firearm under current law. At that time, 19 states had made fewer than 100 records available and 12 of these had made

fewer than 10 records available.^v

The firearms and ammunition industry found the failure of states to submit prohibiting records unacceptable and launched a campaign in early 2013 to address the problem and improve the effectiveness of NICS. Through a multi-state effort focused on forming coalitions in the states with the fewest submitted records, the industry has dedicated significant resources to helping states overcome the legal, technological, and intrastate coordination challenges preventing effective record sharing.

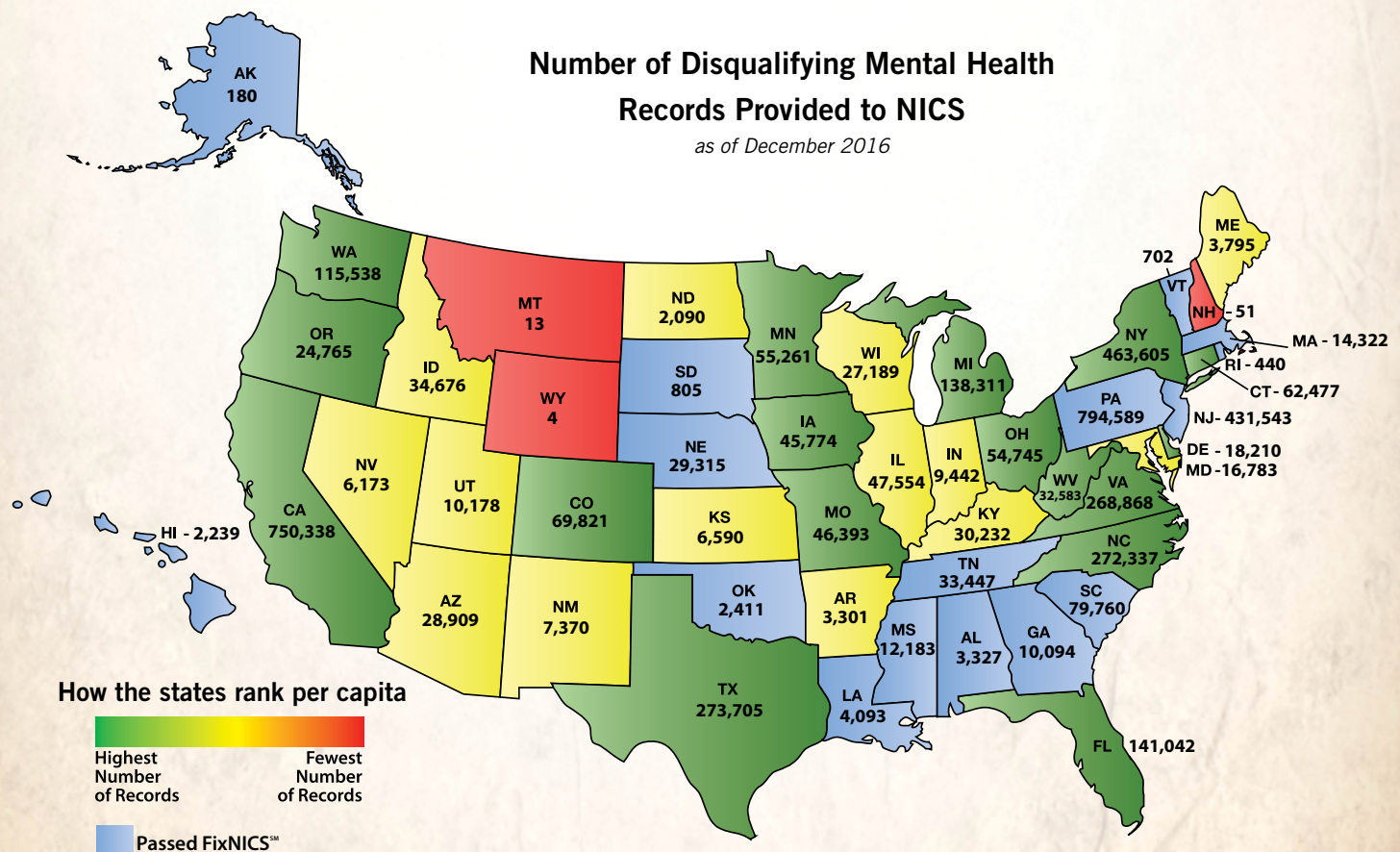
"FixNICSSM" is about keeping firearms out of the hands of prohibited persons, like the shooter in the Virginia Tech tragedy who was able to purchase a firearm from a federally licensed firearms retailer because his prohibiting mental health records were not in the NICS system.

NSSF'S FIXNICS CAMPAIGN LEADS TO JUMP IN RECORDS

Since FixNICS was launched in 2013 through the end of 2016, the number of disqualifying mental health records submitted to NICS increased by 170 percent to nearly 4.5 million, from about 1.7 million in December 2012.

This significant increase is driven by states like Pennsylvania, which now has 794,589 records, compared to 1 in 2012. New Jersey, another FixNICS success story, has now submitted 431,543 records, up from 17 in 2012, and is now ranked as the 2nd best state on a per capita basis.

Industry Action Secures FixNICS Victories Across The Country



The FixNICS campaign has won victories in 16 states since 2013. NSSF-backed legislation has experienced unprecedented success across the country as the firearms industry continues to try to prevent prohibited people from gaining access to firearms.

| STATE | SUMMARY OF NEW LAWS/ACTIONS |
|-----------------------|--|
| Alabama | May 2013: Strengthens requirements for state officials to send mental health records to NICS. |
| Alaska | April 2014: FixNICS passes both chambers signed by Governor. |
| Hawaii | March 2014: HB 2246, passed the House and Senate with no dissenters and was signed by the Governor. |
| Louisiana | May 2013: Requires any Louisiana resident who loses the right to possess firearms under state law to be reported to NICS. |
| Massachusetts | July 2014: House and Senate passed FixNICS legislation. |
| Mississippi | March 2013: Requires state officials to report mental health adjudications and court-ordered commitments to NICS. |
| Nebraska | April 2014: State now transmits mental health records to NICS following an NSSF-backed administrative fix and also reporting requirement. |
| New Jersey | May 2013: Requires state to submit to NICS records showing those who have been involuntarily committed for mental health treatment. |
| Oklahoma | May 2014: SB 1845 Passed Senate 38-5 and House 84-3. Signed by Governor. |
| Pennsylvania | Jan. 2013: State police submitted 643,167 records to NICS and will send to NICS on a continuous basis moving forward after administrative fix. |
| Rhode Island | July 2014: Legislation passed senate and general assembly unanimously. Governor's signature (7-3-14). |
| South Carolina | May 2013: Requires the submission of records to NICS. |
| South Dakota | March 2014: HB 1229 Overwhelming passed both chambers. House (53-17) and Senate (26-9). Governor's signature (3-14-14). |
| Tennessee | April 2013: Requires courts to submit mental health commitments to NICS. |
| Wyoming | March 2014: FixNICS approved for an interim committee that will be studied in order to craft committee legislation. |
| Vermont | May 2015: Bill including FixNICS is signed by the Governor. |

CARROT & STICK APPROACH NEEDED

Our industry isn't calling on Congress to appropriate new federal funds to fix the NICS system. In these tough fiscal times, the tools are already in place to encourage states to submit more records. Just as states that fail to meet certain drunk-driving law thresholds may lose federal highway funds, states that fail to provide records to NICS should face grant penalties. Congress simply needs to do a better job conditioning current federal monies going to the states to incentivize record sharing.

The NSSF supported the NICS Improvement Amendments Act of 2007, which was enacted to encourage states to submit more records on prohibited individuals to the NICS database.^{vi} However, the law has never been

fully implemented due to problems in quantifying records. One incentive not yet implemented would allow a state to obtain a waiver of the matching requirement for National Criminal History Record Improvement Program's (NCHIP) grants, if a state submits at least 90 percent of its records identifying prohibited individuals. There were also Byrne grant penalties included in the 2007 law that have not yet been implemented.

Congress must rework such a "carrot and stick" approach in a way that can be fully implemented to encourage states to fully participate in NICS. Increasing the number of prohibiting records is the best way to keep prohibited individuals from purchasing firearms, without punishing law-abiding retailers and firearms owners.

i There are 20 full or partial Point of Contact states, which have a state-designated agency responsible for processing some or all NICS background checks on behalf of the federal firearm licensees (FFLs) within the state.

ii Note: Fix NICS does not seek to require all mental health records be submitted to NICS, only those that establish an individual falls into one of the current federal categories of persons prohibited from receiving firearms. The categories are available here in full: <http://www.fbi.gov/about-us/cjis/nics/general-information/fact-sheet>

iii NSSF press release, "At NICS User Conference, NSSF Supports Virginia Governors Call to Add Mental Health and Other Records to Background Check System," May 2012, <http://www.nssf.org/newsroom/releases/2012/050112.cfm>

(Last accessed Feb. 5, 2013).

iv *Printz v. United States* - 521 U.S. 898 (1996)

v The National Shooting Sports Foundation obtained data on the number of active adjudicated mental health records in the NICS Index from the Federal Bureau of Investigation.

vi The NICS Improvement Amendments Act of 2007 (NIAA), Pub. L. 110-180



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