

# National Instant Criminal Background Checks

Federal Prohibitor:  
Gun Control Act of  
1968 – Section  
922(g)(4) Mental  
Health  
Commitments

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# Mental Health - National Instant Criminal Background Checks (NICS)

- How did this get on the radar?
  - Virginia Tech Shooting where 32 people were killed
  - Shooter was adjudicated mentally ill and according to the 1968 Gun Control Act was ineligible to buy guns.
  - How did this happen?
    - Information was not being sent to the national database



# Brady Handgun Violence Prevention Act

- The Brady law was signed by President Clinton on November 30, 1993 and began screening out prohibited people on February 28, 1994
- The enactment of the Brady law (effective February 28, 1994) changed this “lie-and-buy” system to a “background check-then-buy” system by requiring that sale of a gun by a licensed dealer be referred to law enforcement for a background check.
- <http://www.bradycampaign.org/>
- <http://www.fbi.gov/about-us/cjis/nics/general-information/nics-index>



# So what is the problem?

- Problem: Many states fail to supply complete records to prohibit gun buyers to NICS.
- Urgency: Do not want another tragedy to happen.
- Solution(s): States take legislative or administrative action to submit disqualifying records of prohibited purchasers to NICS.

# Federal disqualifiers for purchasing a firearm:

1. Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years
2. Misdemeanor Crime of Domestic Violence Conviction
3. Unlawful User/Addicted to a Controlled Substance
4. Fugitive from Justice
5. Protection Restraining Order for Domestic Violence
6. Existing state Prohibitors
7. Illegal/Unlawful Alien
8. Under Indictment/Information
9. Adjudicated Mental Health
10. Federally Denied Persons File
11. Dishonorable Discharge
12. Renounced U.S. Citizenship

# How can you buy a gun in Ne?

- State Purchase Permit
  - Sheriff's Office
  - 69-2404 purchase permit application
  - State Law does not require fingerprint based federal background check of applicant



# VENDOR –Handgun

- Vendor will verify valid purchase permit & state identification
- State Statute allows CCW to be used in lieu of Purchase Permit. This has been approved on the federal level by ATF.
- If all paperwork is valid they sell
- If you don't have the required documents the vendor will advise you to return to local LE to obtain purchase permit



# VENDOR – Long Gun

- Vendor has applicant fill out application
- Vendor calls NICS call center
  - NICS runs checks while vender is still on phone
  - NICS creates a National Tracking Number (NTN #)
- If applicant has no disqualifiers, vender is told to proceed
  - Vendor sells gun
- If applicant has a disqualifier, vender is told to deny
  - Vendor does not sell gun



# Conclusion

- Nebraska is headed in the right direction in sharing this information **Nationally!**
- Use of technology will assist in streamlining the efforts put into tracking these individuals.
- One more step in place to keep the firearms out of those that are prohibited.

Thank you!