

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

July 31, 2023

Mr. Brandon Metzler
Clerk of the Legislature
State Capitol Room 2028
Lincoln, NE 68509

Subject: Number of Nebraska Mental Health Commitment Records Submitted

Dear Mr. Metzler:

Attached you will find the biannual report on the number of Nebraska mental health commitment records submitted to the National Instant Criminal Background Check System pursuant to Neb. Rev. Stat. § 69-2409.01

Sincerely,

A handwritten signature in blue ink, appearing to read "Tony Green".

Tony Green
Interim Director, Division of Behavioral Health

Attachment

DIVISION OF BEHAVIORAL HEALTH

Community Service Section and Nebraska State Patrol

Number of Nebraska Mental Health Commitment Records Submitted to National Instant Criminal Background Check System Report

June 2023

Neb. Rev. Stat. § 69-2409.01

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Introduction:

LB1055 (1996) instructed the then Department of Public Institutions to supply to the State Patrol, upon request, identifying information so that the Nebraska State Patrol (Patrol) could comply with the provisions of the Brady Handgun Violence Prevention Act (Pub.L.103–159, 107 Stat. 1536; (18 U.S.C. 921 and 922)). Provisions of Nebraska Revised Statute § 69-2409.01 limited the information supplied to whether an individual is disqualified from purchasing or possessing a handgun pursuant to state law. In late 1998, the Department launched a data repository consisting of mental health board commitment paper reports mailed to the Department by district court clerks. Those records were shared via spreadsheet with the Patrol on a monthly basis so the Patrol could update the mental health file used to review firearm permit applications within Nebraska. A second reporting system also populated the mental health file at the Patrol. That reporting consisted of a listing of admissions to the state psychiatric hospitals meeting specific admission standards. The State Patrol combined the two sets of information to create a mental health file against which firearm permit requests could be checked. This mental health file was used exclusively in Nebraska to determine persons disqualified for permits under the Brady Handgun Act and state statutes.

In 2009, the development of an automated internet-based reporting system usable by the district court clerks was initiated. In early 2012, through the combined efforts of the Nebraska State Patrol, the Nebraska Office of the Chief Information Officer, and the Division of Behavioral Health of the Department of Health and Human Services, the planning and implementation of the Electronic Commitment Reporting Application (ECRA) became a reality. The first electronic records for mental health commitments by mental health commitment boards were initiated in November 2012. In April 2014, records of individuals admitted to the Lincoln, Hastings, and Norfolk Regional Centers who met certain conditions for admission were added to the database. With these efforts prohibitor 18 U.S.C. 922 (g) (4) – “Has been adjudicated as a mental defective or has been committed to a mental institution” is substantially fulfilled. Through the combined efforts of the agencies and funds from the National Instant Criminal Background Check System Act Record Improvement Program (NARIP) grant, Nebraska mental health commitment information began to be reported to the federal level in late 2013 and continues today. Meeting reporting requirements, mental health board commitments, and regional center admissions are continuously being reported, with incomplete records continuing to be researched and completed.

This report will summarize the number of records submitted, the disposition of those records, and answer questions from the Legislature expressed in LB699 and codified in Neb. Rev. Stat. § 69-2409.01(5).

Nebraska Mental Health Commitment Records
Reported to
National Instant Criminal Background Check System
Status Report June 2023

Nebraska State Statute § 69-2409.01 requires the Department of Health and Human Services and Nebraska State Patrol to report to the Legislature on mental health commitment activities of the state.

69-2409.01(5) The Nebraska State Patrol and the Department of Health and Human Services shall report electronically to the clerk of the Legislature on a biannual basis the following information about the database (mental health commitments):

(a) The number of total records of persons unable to purchase or possess firearms because of disqualification or disability shared with the National Instant Criminal Background Check System;

(b) The number of shared records by category of such persons;

(c) The change in the number of total shared records and change in the number of records by category from the previous six months;

(d) The number of records existing but not able to be shared with the National Instant Criminal Background Check System because the record was incomplete and unable to be accepted by the National Instant Criminal Background Check System; and

(e) The number of hours or days, if any, during which the database was unable to share records with the National Instant Criminal Background Check System and the reason for such inability.

Summary Table for Legislative Questions:

Legislative Request as of:	June 2020	December 2020	June 2021	December 2021	June 2022	December 2022	June 2023
(a)* – Total Shared Records	33,512	33,866	34,201	34,600	34,847	35,151	35,501
(b-1) – From Commitment Boards	19,443	19,747	20,030	20,359	20,547	20,741	21,022
(b-2) – From Regional Centers	14,069	14,119	14,171	14,241	14,300	14,410	14,479
(c) – Change in Total	436	354	335	399	241	304	350
(c-1) – From Commitment Boards	383	304	283	329	188	194	281
(c-2) – From Regional Centers	53	50	52	70	59	110	69
(d)** – Incomplete	0	0	0	0	0	0	0
(e) – Hours Inoperable	0	0	0	0	0	0	0

Source: Department of Health and Human Services – June 2023.

*(a) Reflects only those effectively shared with National Instant Criminal Background Check System. Incompletes reported in (d).

**Social Security Number or Date of Birth are required; however, this information has at times been missing or invalid creating an incomplete record.

The report shall also be published on the websites of the Nebraska State Patrol and the Department of Health and Human Services. Available at: <http://dhhs.ne.gov/Pages/Mental-Health-Commitment.aspx> and <https://statepatrol.nebraska.gov/services/concealed-handgun-permits>