



# FBI

## Criminal Justice Information Services Division

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National Instant Criminal Background Check System (NICS)

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**NICS 101**



Unclassified



# The NICS Section Mission

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To enhance national security and public safety by providing the timely and accurate determination of a person's eligibility to possess firearms and/or explosives in accordance with federal law.

Unclassified



# NICS Customers

- Federal Firearms Licensees (FFL)
  - Gun shop owners
  - Pawn shop dealers that sell or redeem firearms
  - Retail corporations
  - Manufacturers of firearms who sell to their employees

As of September 1, 2018, there were **49,932** active FFLs.





# Other NICS Customers

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- Point-of-Contact (POC) States
- Local, state, tribal, and federal law enforcement
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); FBI; Nuclear Regulatory Commission



# What Federally Prohibits an Individual From Purchasing/Receiving a Firearm?



The federal firearm prohibitions apply to any person who:

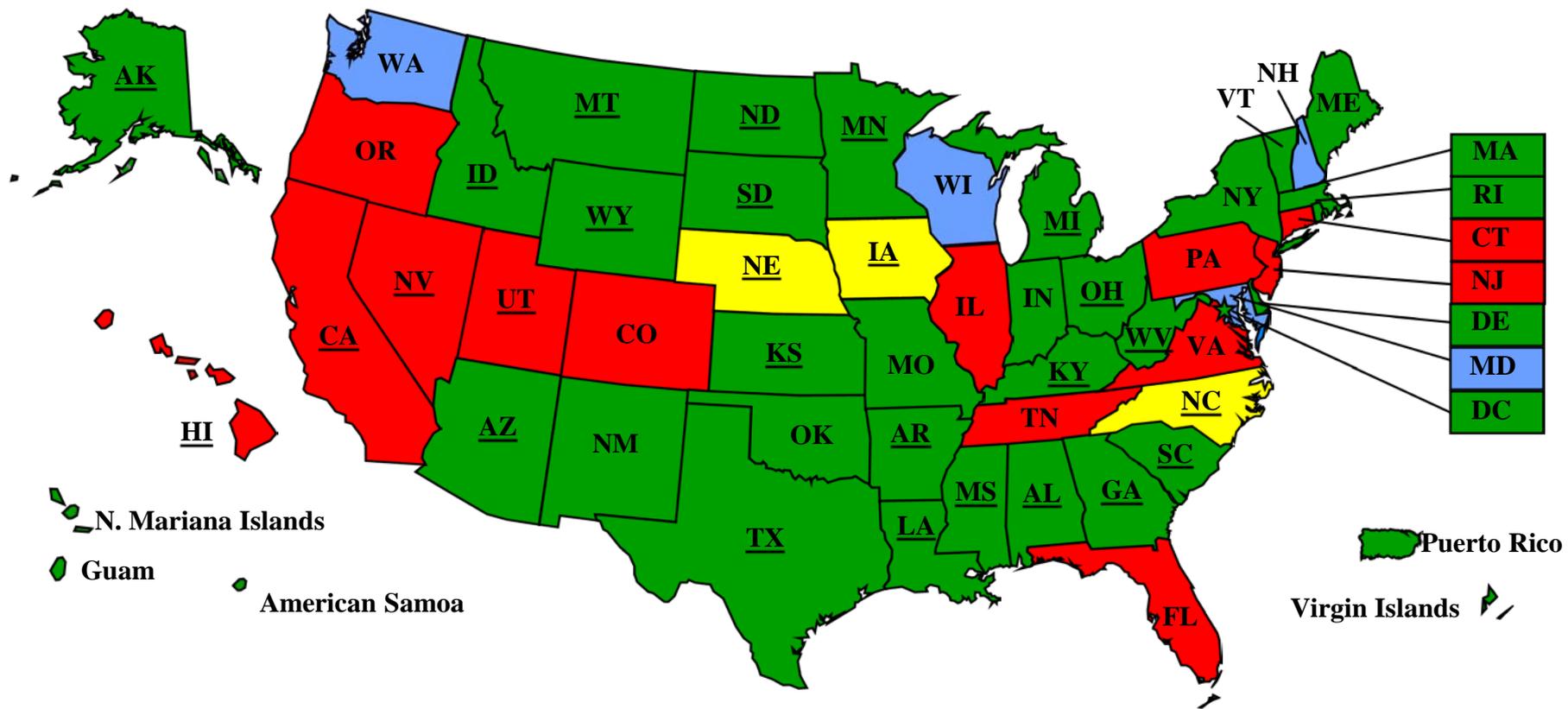
- (g)(1) Has been convicted of a crime punishable by imprisonment for a term exceeding one year (or a misdemeanor crime punishable by imprisonment over two years)
- (g)(2) Is a fugitive from justice
- (g)(3) Is an unlawful user of or addicted to any controlled substance
- (g)(4) Has been adjudicated as a mental defective or committed to a mental institution
- (g)(5) Is an alien and is illegally or unlawfully in the United States
- (g)(6) Has been discharged from the Armed Forces under dishonorable conditions
- (g)(7) Has renounced their U.S. citizenship
- (g)(8) Is subject to a qualifying protection/restraining order
- (g)(9) Has been convicted in any court of a misdemeanor crime of domestic violence
- (n) Is under indictment/information for a crime punishable by imprisonment for a term exceeding one year



Unclassified



# NICS Participation Map



- 13** Full POC State—Contact state/territory for all firearm background checks including permits
- 4** Partial POC—Contact state for handgun and FBI for long gun background checks
- 3** Partial POC— Contact state for handgun permit and FBI for long gun background checks
- 36** Non-POC—Contact FBI for all firearm background checks
- 27** Denotes that the State has at least one ATF-Qualified Alternate Permit. The permits are issued by local or state agencies. Please refer to the latest Permanent Brady Permit Chart for specific permit details at <[www.atf.gov/rules-and-regulations/permanent-brady-permit-chart](http://www.atf.gov/rules-and-regulations/permanent-brady-permit-chart)>.

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# NICS Background Check Initiation

- The applicant completes an ATF Form 4473 at an FFL's place of business.
- In Non-POC states, the FFL uses the NICS E-Check to initiate a background check or contacts the NICS Contracted Call Center via telephone.
- A biographic data search is conducted.

\*FFLs in POC states follow the processes of their respective states

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1148-0020

### Firearms Transaction Record Part I - Over-the-Counter

**WARNING:** You may not receive a firearm if prohibited by Federal or State Law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Prepare in original only. All entries must be in ink. Read the Important Notices, Instructions and Definitions on this form. \*Please Print\*

Transferor's Transaction Serial Number

**Section A - Must Be Completed Personally By Transferor (Buyer)**

1. Transferor's Full Name  
Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Name (if no middle name state "NONE")

2. Current Residence Address (Cannot be a post office box.)  
Number and Street Address: \_\_\_\_\_ City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

3. Place of Birth  
U.S. City/State: \_\_\_\_\_ Foreign Country: \_\_\_\_\_

4. Height  
Ft. \_\_\_\_\_ In. \_\_\_\_\_

5. Weight  
\_\_\_\_\_

6. Gender  
Male  Female

7. Birth Date  
Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

8. Social Security Number (Optional, but will help prevent misidentification.) \_\_\_\_\_

9. Unique Personal Identification Number (UPIN) if applicable (See Instruction to Transferor 6.) \_\_\_\_\_

10. Race (Ethnicity) (Check one or more boxes.)  
 American Indian or Alaska Native     Black or African American     Native Hawaiian or Other Pacific Islander  
 Hispanic or Latino     Asian     White

11. Answer questions 11.a. through 12 by writing "yes" or "no" in the boxes to the right of the questions.

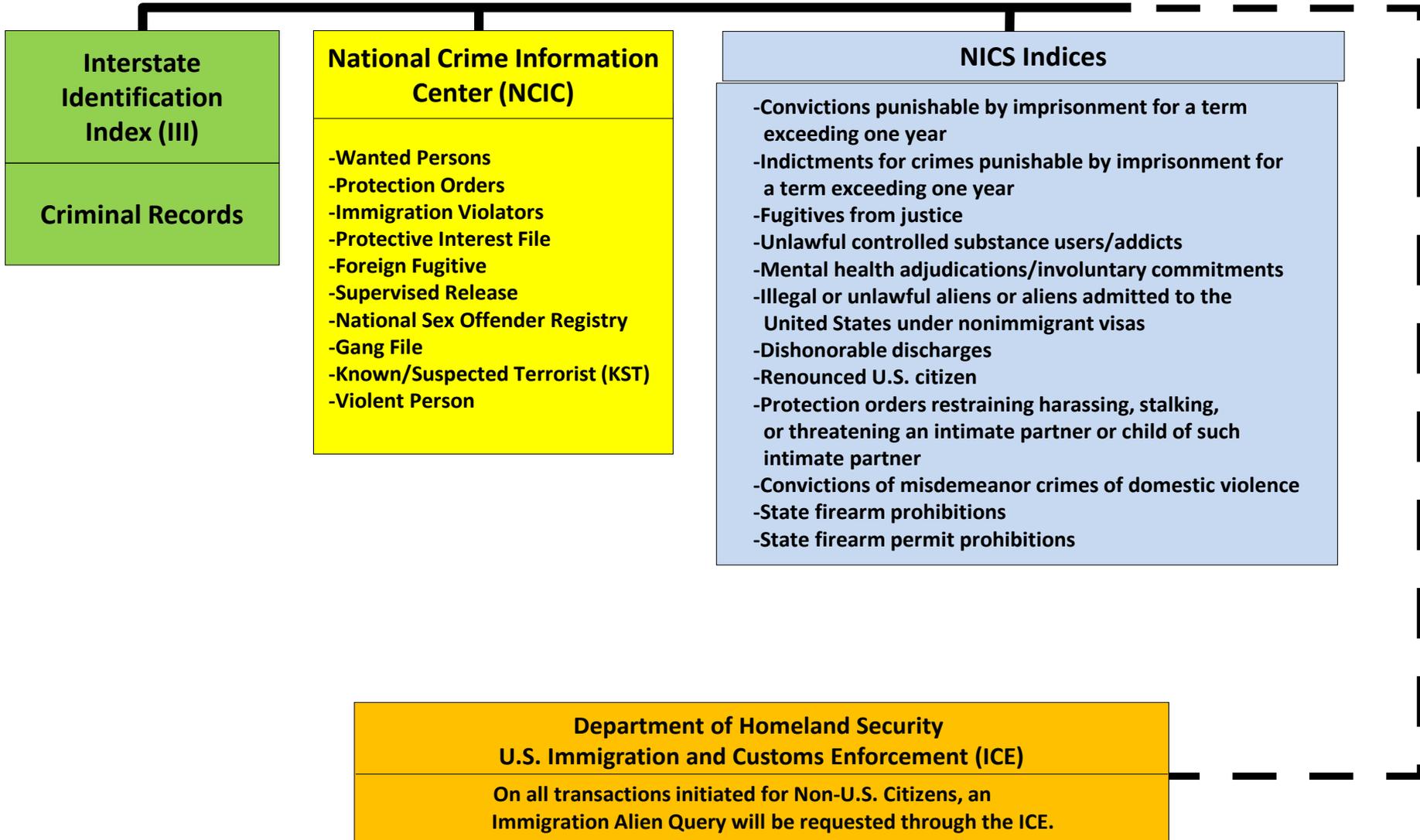
a. Are you the actual buyer of the firearm(s) listed on this form? <b>Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Important Notice 1 for actual buyer definition and examples.)</b>	
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (In information is a formal accusation of a crime by a prosecutor. See Definition 3.)	
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Important Notice 4, Exception 1.)	
d. Are you a fugitive from justice?	
e. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Important Notice 4 and Definitions 5 and 6.)	
g. Have you been discharged from the Armed Forces under dishonorable conditions?	
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Important Notice 5.)	
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Important Notice 4, Exception 1 and Definition 4.)	
j. Have you ever renounced your United States citizenship?	
k. Are you an alien illegally in the United States?	
l. Are you a nonimmigrant alien? (See Definition 8.) If you answered "no" to this question, you are not required to respond to question 12.	
12. If you answered "yes" to question 11.l., do you fall within any of the exceptions set forth in Important Notice 4, Exception 2? (e.g., valid State hunting license.) (If "yes," the licensee must complete question 20c.)	
13. What is your State of residence (if any)? _____ (See Definition 7. If you are not a citizen of the United States, you only have a State of residence if you have resided in a State for at least 90 continuous days immediately prior to the date of this sale.)	
14. What is your country of citizenship? (List check more than one, if applicable.) <input type="checkbox"/> United States of America <input type="checkbox"/> Other (Specify) _____	
15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?	

Note: Previous Editions Are Obsolete

ATF Form 4473 (3/06) Part I  
Revised May 2007



# Types of Records Searched by the NICS



**Interstate Identification Index (III)**

**Criminal Records**

**National Crime Information Center (NCIC)**

- Wanted Persons
- Protection Orders
- Immigration Violators
- Protective Interest File
- Foreign Fugitive
- Supervised Release
- National Sex Offender Registry
- Gang File
- Known/Suspected Terrorist (KST)
- Violent Person

**NICS Indices**

- Convictions punishable by imprisonment for a term exceeding one year
- Indictments for crimes punishable by imprisonment for a term exceeding one year
- Fugitives from justice
- Unlawful controlled substance users/addicts
- Mental health adjudications/involuntary commitments
- Illegal or unlawful aliens or aliens admitted to the United States under nonimmigrant visas
- Dishonorable discharges
- Renounced U.S. citizen
- Protection orders restraining harassing, stalking, or threatening an intimate partner or child of such intimate partner
- Convictions of misdemeanor crimes of domestic violence
- State firearm prohibitions
- State firearm permit prohibitions

**Department of Homeland Security  
U.S. Immigration and Customs Enforcement (ICE)**

On all transactions initiated for Non-U.S. Citizens, an Immigration Alien Query will be requested through the ICE.



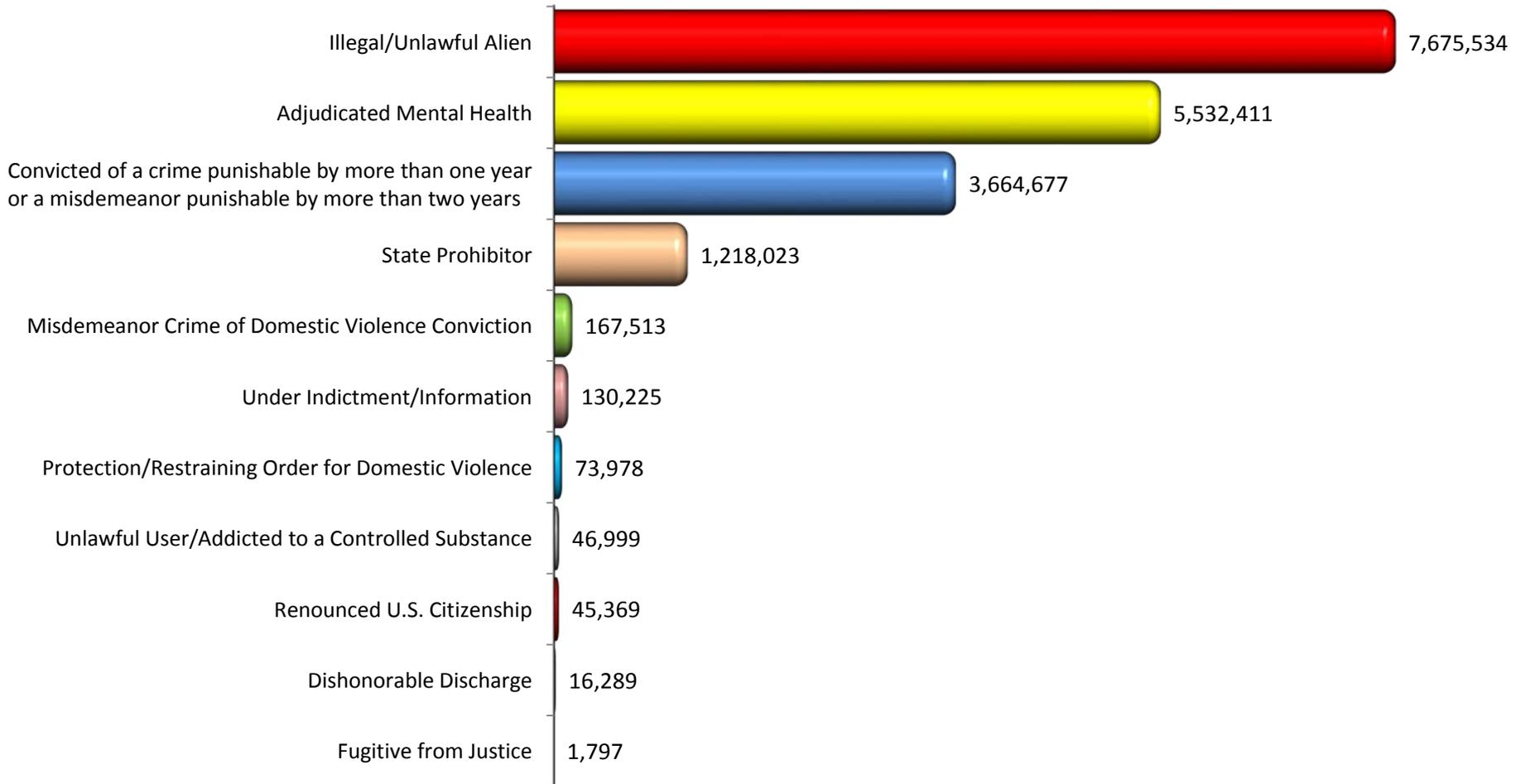
# Active Records in the NICS Indices



As of August 31, 2018

## Program-to-Date

**18,572,815**





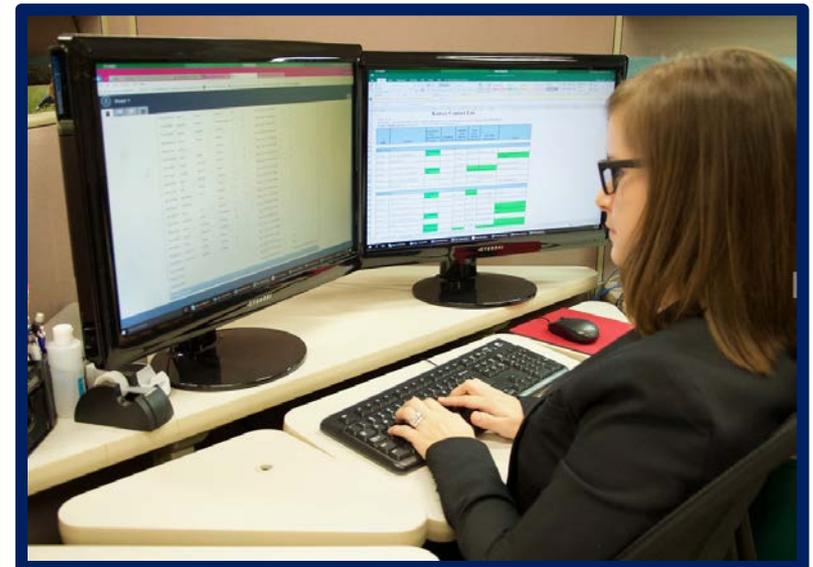
# The NICS Process

- If the applicant's biographical data does **not** match any of the records searched by the NICS, the FFL receives an instant → **PROCEED**.
- If the applicant's biographical data does match and specific requirements are met, the FFL receives an instant → **DENY**.
- Valid matches in any of the databases searched that do not result in an instant deny or proceed are forwarded for evaluation by a NICS Legal Instruments Examiner (NICS Examiner).



# NICS Examiner Evaluation

- If not a valid match by descriptors or a valid match with no disqualifying information → **PROCEED**.
- If a valid match by descriptors and the information is prohibiting → **DENY**.
- If additional research is necessary → **DELAY**.
  - Delayed transactions are placed into a queue to be researched.





# Research



- Often, the NICS Section must contact outside entities to obtain missing information
  - Local, state, tribal, and federal law enforcement
  - Courts nationwide
- Requested information may include
  - Dispositions, incident reports, drug test results, and other court documents







# External Outreach



## Minnesota Processing Page

Region Coordinator: Shane Dawson, x57150, Monday-Thursday 7:30 am - 6:00 pm  
 Region Coordinator Back-up: Barbara Ross, x57308, Monday-Friday 8:00 am - 4:30 pm

Updated 06/02/2016 SCD  
 Special Processing: N/A

Databases: • NGI - NFF State. No 1104M  
 • NCIC - Not required if the state record responds on III

Manual Records: Fax the Minnesota BCA to request the manual record be automated and updated.

Statewide Websites: <http://cws.courts.state.mn.us/mpa>  
<https://cch.state.mn.us/cchOffenderSearch.aspx>  
 State Sex Offender Registry: See Website Matrix / Contact list for specific county websites.

Contact Information: • POC is the primary contact when MN State record exists; contact courts only when an FBI record is present.  
 • During Initial Research Please Contact ALL Available Agencies Per Contact List.

Record of Conviction: Court Administration:  
 • Registrar of Action - advise the court on the R-84 that the NICS Section has the Register of Action  
 • Plea Agreement / Factual Basis  
 • Certificate of Conviction.  
 • Judgment and Sentence Order.

Court Administration: • Contact for dispositions for arrests that are not on the Minnesota State record.  
 • Contact when a response of "Set for Trial" is received from the MN BCA to request a copy of  
 • Contact for 18 U.S.C. 922 (g)(9) physical force element.  
 • Contact as a last resort to determine relationship.

County Attorney: Contact for 18 U.S.C.922(g)(9) physical force element as a last resort. 31March 2014 SCD  
 Contact after receiving a response from the MN BCA indicating the case is "pending" to verify if the subject is under complaint.

Arresting Agencies: Do not contact for 18 U.S.C.922(g)(9) physical force element. 31March 2014 SCD  
 Sheriff's Office  
 Contact for police/incident reports and lab reports.

Police Department  
 Contact for police/incident reports and lab reports.

State Police  
 Contact for police/incident reports, lab reports and county of prosecution if unknown.

Updated 21 December 2015 scd  
 An Asterisk (\*) after the ORI number denotes a made up ORI number, created for Waiting for Dispo (WFD) purposes  
 To print: Highlight information to be printed. Click on: File / Print / Selection button / Ok.

## Minnesota Contact List

ORI	AGENCY	WEBSITE MAIL	E	WEBSITE RETENTION	PHONE Bold Denotes Preference	FAX Bold Denotes Preference	RECORD RETENTION	NOTES
<b>AITKEN COUNTY</b>								
MN0010900	AITKEN COUNTY SO				218-927-2138	218-927-7359		
MN0010100	AITKEN PD				218-927-2138	218-927-6887		
MN0010200	ARGEGOR PD				218-768-2717	218-768-2717		
MN0010300	PALMARE PD							
MN0010400	HILL CITY PD							
MN001013A	COUNTY ATTORNEY				218-697-8210	218-697-8217		
MN001015J	COURT ADMINISTRATION				218-927-7347	218-927-7365		COVERED BY SO
MN001013G	COUNTY PROBATION/PAROLE				218-927-7350	218-927-4535		
<b>ANOKA COUNTY</b>								
MN0020000	ANOKA CO SO				763-323-5000	763-422-7603	10 YRS	
MN0020100	ANOKA PD				763-421-4633	763-876-2893	10 YRS	
MN0020200	BLAINE PD				763-785-6148	763-788-6100	10 YRS	24HR Warrant Dept 763-422-7500
MN0020300	CENTENNIAL LAKES PD				763-784-2501	763-784-0002	10 YRS	
MN0020400	COLUMBIA HEIGHTS PD				763-787-8100	763-784-8126		
MN0020600	COON RAPIDS PD				763-787-6481	763-787-6436		
MN0020700	FRIDLEY PD				763-706-8100	763-706-8126		
MN0020800	LIND LAKES PD				763-572-3629	763-872-3661	10 YRS	
MN0020900	SPRING LAKE PARK PD				651-982-2300	651-982-3399	10 YRS	
MN0021000	EAST BETHEL PD				763-784-6491	763-784-3638	10 YRS	
MN0021100	HAM LAKE PD							COVERED BY SO
MN0021200	LEXINGTON PD							COVERED BY SO
MN0021300	ANDOVER PD							COVERED BY SO
MN0021400	RAMSEY PD							COVERED BY SO
MN0021500	WANTON PD							COVERED BY SO
MN0021600	FRANCIS PD							COVERED BY SO
MN0021700	FRANCIS PD							COVERED BY SO
MN0021800	FRANCIS PD							COVERED BY SO
MN0021900	FRANCIS PD							COVERED BY SO



Unclassified



# Examples of Information

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- Final Criminal Dispositions
- Felony Indictments
- Relationship to Victim
- Drug test results
- Admission of drug use
- Terms & Conditions of Probation or Parole
- Validation of Warrants & Protection Orders

Unclassified



# Three Business Days



- It is not unlawful for an FFL to transfer a firearm after the third business day, even if the NICS Section has been unable to provide a proceed response.
  - If information is received after the transfer of a firearm indicating the purchaser is a prohibited person, a firearm retrieval referral is sent to the ATF.
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- Retrieval referrals are cause for concern due to public/officer safety risks and resource demands placed upon law enforcement in retrieving the firearm.



# Information Sharing

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Making records electronically available for firearm determinations

- Accurate arrest and disposition information to the III
- Reporting appropriate information to the NCIC
- Disqualifying entries into the NICS Indices

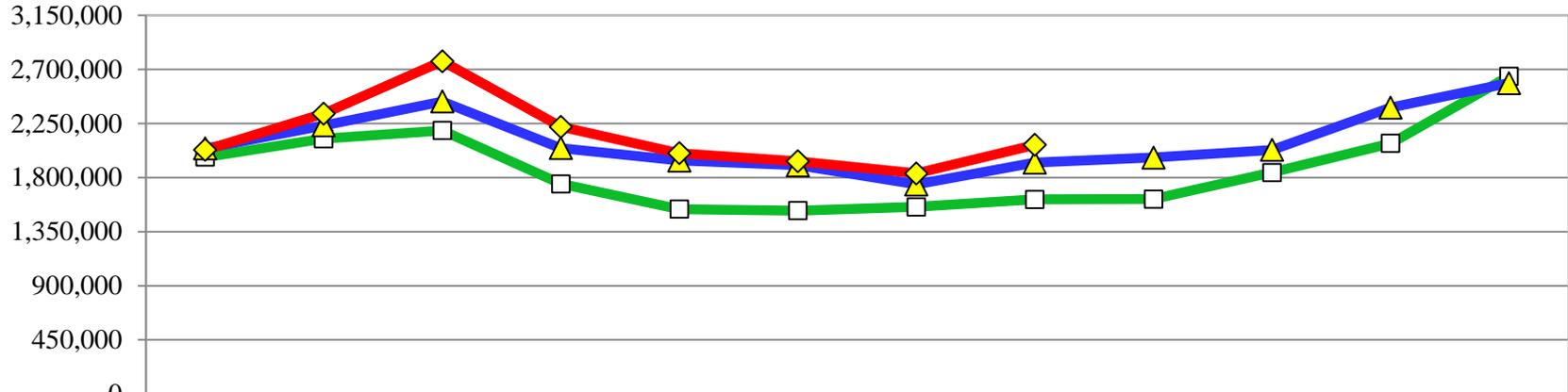
# Total NICS Background Checks

November 30, 1998 – August 31, 2018

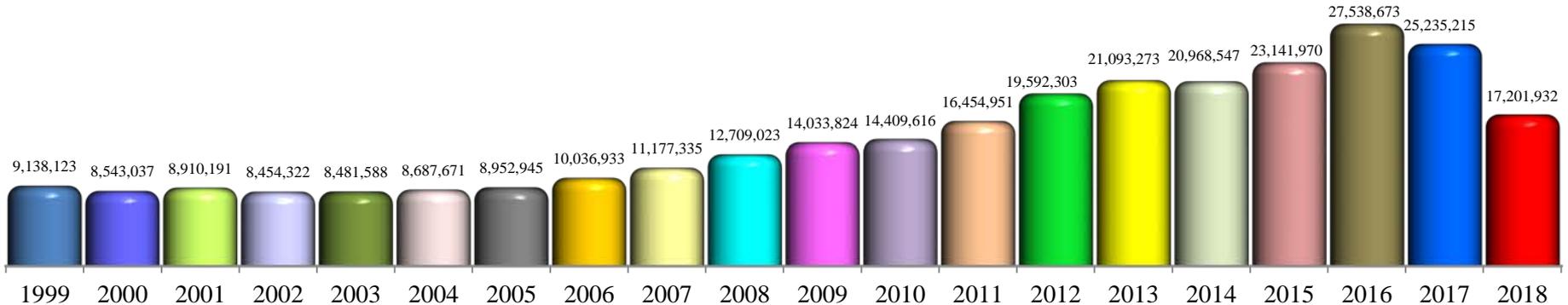


Program-to-date

**295,654,312**



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Average 2011-2016	1,970,338	2,123,763	2,192,377	1,748,385	1,537,676	1,525,506	1,556,969	1,618,203	1,620,856	1,843,080	2,085,654	2,644,146
2017	2,043,184	2,234,817	2,433,092	2,045,564	1,942,677	1,901,768	1,742,546	1,925,146	1,967,104	2,030,391	2,382,788	2,586,138
2018	2,030,530	2,333,193	2,767,699	2,223,213	2,002,992	1,935,691	1,835,318	2,073,296				



1998 Total NICS Checks = 892,840



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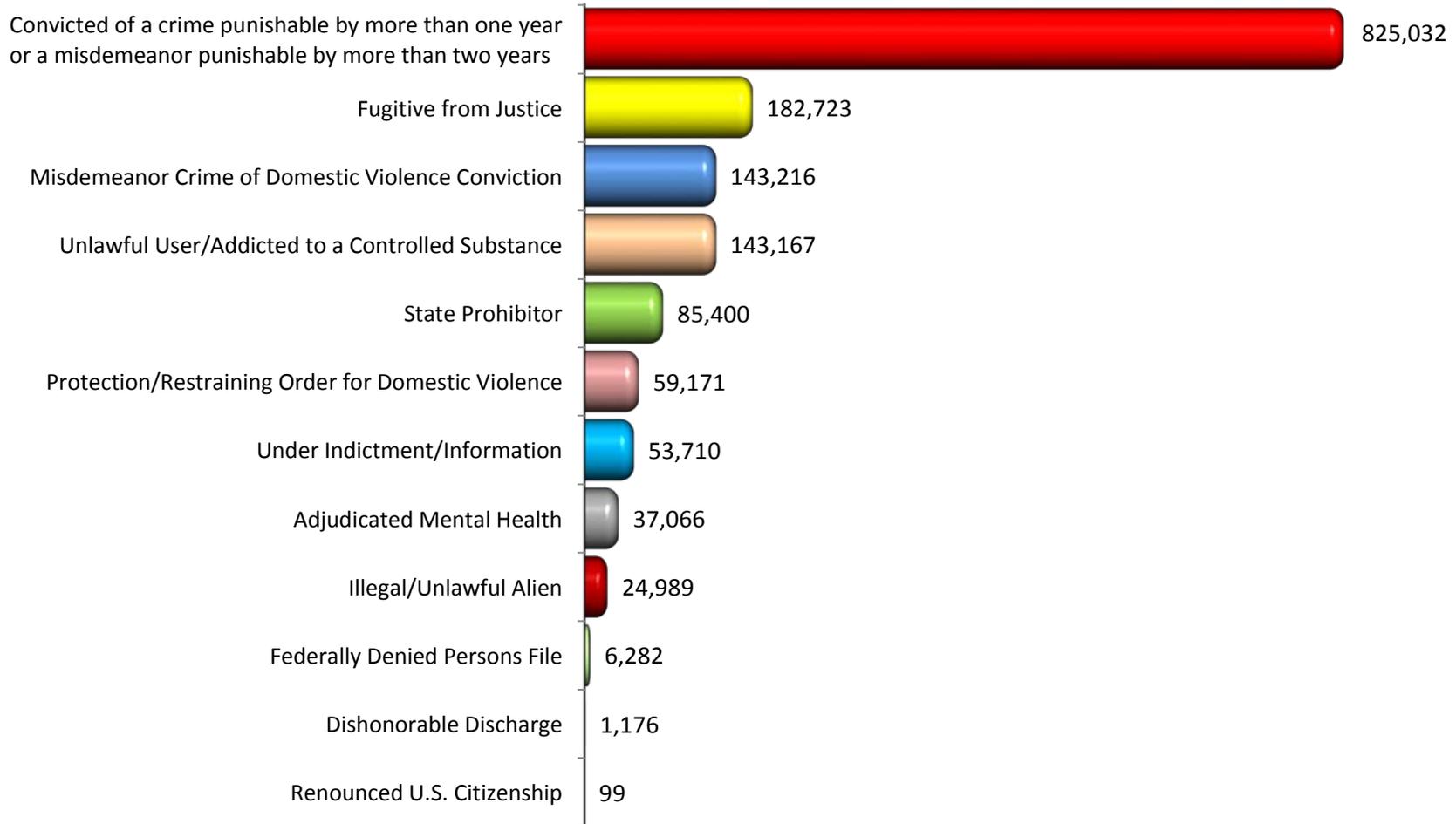
# Federal Denials

November 30, 1998–August 31, 2018



## Program-to-Date

**1,562,031**



Unclassified



Unclassified

# NICS Resource Contacts



BRT

[NICSLiaison@fbi.gov](mailto:NICSLiaison@fbi.gov)



Legal Analysis Team

[NICS\\_LegalResearch@fbi.gov](mailto:NICS_LegalResearch@fbi.gov)



NICS Training

[NICSTraining@fbi.gov](mailto:NICSTraining@fbi.gov)

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