

## Statistics

### National Instant Criminal Background Check System (NICS) Reporting

#### **Mental Health Adjudication, Domestic Violence Determination, Firearm Seizure and Retention Reporting, and Delinquency Felony Prohibition through the National Instant Criminal Background Check System (NICS)**

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**Contact: Annete Page; email: [annette.page@courts.in.gov](mailto:annette.page@courts.in.gov)**

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In the wake of the Virginia Tech shooting tragedy, Congress passed the National Instant Criminal Background Check System (NICS) improvement Amendments Act of 2007. This statute gives states greater incentives to submit records to the Federal Bureau of Investigation (FBI) regarding individuals who are prohibited from purchasing firearms. In 2009, the General Assembly enacted legislation requiring courts to transmit to the Office of Court Services (the "Office") information about individuals who may be prohibited from possessing a firearm and requiring the Office to establish and administer an electronic system for receiving information from the courts and transmitting this information to the FBI for inclusion in the federal NICS.

The Court Technology Division of the Indiana Office of Judicial Administration developed the technology for Indiana trial courts to notify the Office about individuals who fall under nine categories that make them ineligible to possess a firearm. The categories are legally defined by the Indiana Code, but include a person who has been:

- civilly committed under Ind. Code 12-26-6-8 (does not include commitments for evaluation or observation)
- found mentally ill and dangerous or gravely disabled under I.C. 12-26-7-5
- found guilty but mentally ill under I.C. 35-36-2-5
- found not responsible by reason of insanity under I.C. 35-36-2-4

- found incompetent to stand trial under I.C. 35-36-3-1
- found not guilty by reason of lack of mental responsibility (according to the Uniform Code of Military Justice)
- found guilty of the crime of domestic violence under I.C. 35-31.5-2-78; see also 35-38-1-7.7
- found dangerous under I.C. 35-47-14-1
- found guilty of a delinquent act that would be a serious violent felony (as defined in I.C. 35-47-4-5) if committed by an adult under I.C. 31-37-13-5(b)

## How it Works

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Using Odyssey, the Court enters the appropriate NICS case event and attaches the order to electronically create the record in the NICS Reporting System. Non-Odyssey courts should use the NICS reporting system in INcite and must enter the case number, name of the individual and DOB, and any other identifying characteristics they may have into the NICS Reporting System. The court order must be attached to the case in INcite.

An electronic record of the information is created and transmitted to the National Crime Information Center (NCIC) database. NICS extracts its data from the NCIC database.

Licensed dealers are required by law to notify NICS when any individual attempts to purchase a firearm. If the individual has been reported to NICS by the system, the FBI will not allow the purchase.