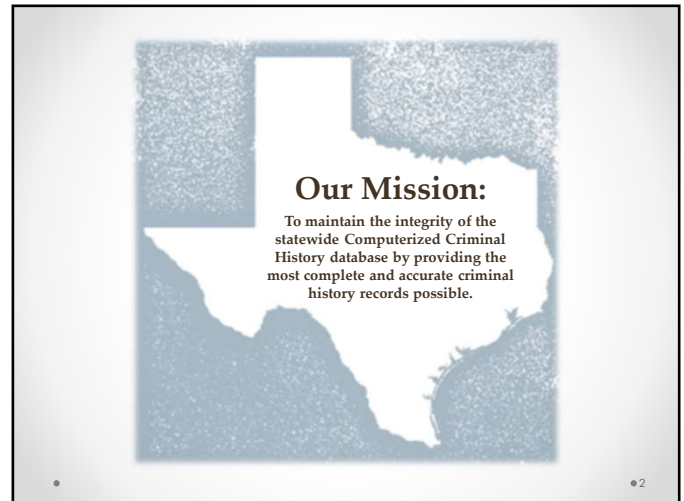


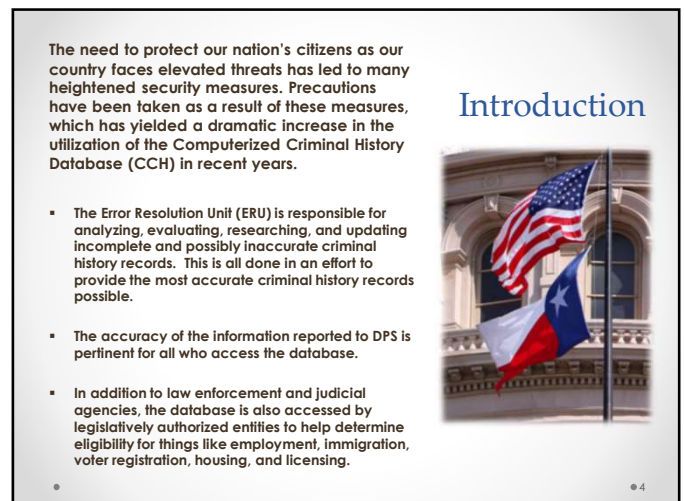
1



2



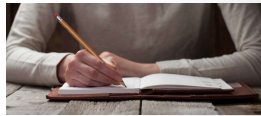
3



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Agenda

- TEXAS CODE OF CRIMINAL PROCEDURE
- TEXAS GOVERNMENT CODE
- AGENCY SUBMISSIONS
- CORRECTIONS
- SWITCHED PRINT/SWITCHED RECORD
- MISUSE OF IDENTITY
- BACKGROUND CHECKS
- GUN CONTROL
- DPS CONTACTS



● 5

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Chapter 66 Code of Criminal Procedure

During the 71st Regular Session in 1989, the Texas Legislature made sweeping changes in the criminal justice system. House Bill 2335 and Senate Bill 41 created Chapter 60 of the Code of Criminal Procedure (CCP). In 2017, the 85th Legislature passed House Bill 2931, revising certain provisions of the Code of Criminal Procedure, including adding Chapter 66 which replaced Chapter 60 in 2019.

Chapter 66 outlines and defines the Criminal Justice Information Systems (CJIS). The Texas Department of Public Safety (DPS) and the Texas Department of Criminal Justice (TDCJ) were called upon to create a comprehensive system that includes relevant data for criminal justice agencies responsible for the arrest, prosecution, adjudication and correction of criminal offenders.

This data is maintained in a statewide Computerized Criminal History (CCH) database.

- **Article 66.101. COMPUTERIZED CRIMINAL HISTORY SYSTEM DATABASE**
 - The Department of Public Safety shall record data and maintain the computerized criminal history system that serves as the record creation point for criminal history information maintained by the state.
- **Article 66.102 INFORMATION CONTAINED IN COMPUTERIZED CRIMINAL HISTORY SYSTEM**
 - Information relating to offenders, arrests, prosecutions, the disposition of cases by courts, sentencing, and the handling of offenders received by a correctional agency, facility, or other institution.
- **Article 66.252. REPORTING OF INFORMATION BY LOCAL ENTITIES**
 - Information for any case where an individual was arrested for a Felony or Misdemeanor offense Class B or greater, shall be reported to DPS and maintained in CCH, from the time an offender is arrested to the time an offender is released.
 - Additionally, Law Enforcement Agencies must submit Class C Family Violence offenses to DPS. All other Misdemeanor Class C offenses are not required by statute but are strongly encouraged to report.

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Criminal History Record Information (CHRI) is confidential and maintained for departmental use.

- Access is permissible to both criminal and non-criminal justice agencies as authorized by state and federal law.

Over 25,000 authorized agencies access the TXDPS CCH Secure Website to obtain criminal history information.

- Examples of authorized entities include:
 - School Districts
 - Hospitals/Nursing Homes/ Home Health Care Facilities
 - Childcare Facilities
 - City Government Offices
 - State Licensing Boards

If your agency would like further information on how to obtain access to the TXDPS Secure Site Database, contact the Access and Dissemination Bureau at (512)424-2474.

● 7

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Government Code

Section 411.083

Dissemination of Criminal History Record Information

State Identification (SID) Numbers



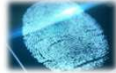
- A SID number is a unique identifier assigned to individuals who come into contact with the criminal justice system, primarily through fingerprinting during booking.
- The first time DPS receives an individual's prints, a SID number is issued.
- We no longer distinguish between criminal and non-criminal SID Numbers.

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- MBIS, the Multimodal Biometric Identification System, automates the processing of Arrest and Applicant Fingerprint submissions. This takes a fraction of the time it would take using the manual process.

MBIS



- MBIS replaced the Automated Fingerprint Identification System (AFIS) in 2016.
- MBIS also provides criminal justice agencies the ability to search latent fingerprints and palm-prints found at crime scenes. Additionally, MBIS stores other biometrics, such as mugshots and irises.



Reporting Class C Misdemeanor Arrests

- In Sept 2009 Crime Records Services began capturing and maintaining fingerprint submissions on Class C Misdemeanor offenses. Entities granted access per Government Code Chapter 411 will have access to view Adult Class C arrests.
- Submitting these offenses will assist in the identification of Class C Misdemeanors associated with domestic violence and disorderly conduct that are disqualifiers for License to Carry (LTC) applicants. House Bill 1528, signed by the governor on June 10, 2019 with an effective date of Sept. 1, 2019, changed portions of the Code of Criminal Procedure, Article 66.252 regarding Class C Misdemeanor offense reporting:
 - (b) The arresting law enforcement agency shall prepare a uniform incident fingerprint card and initiate the reporting process for each offender charged with:
 - (1) a felony;
 - (2) a misdemeanor for which a term of confinement may be imposed; or
 - (3) a misdemeanor punishable by fine only that involves family violence, as defined by Section 71.004, Family Code.
 - (g) On disposition of a case in which an offender is charged with a misdemeanor described by Subsection (b)(3), the clerk of the court exercising jurisdiction over the case shall report the applicable information regarding the person's citation or arrest and the disposition of the case to the DPS.
- Please use the Class C offense code list and no longer use 99999999.
- When reporting a Class C, agencies should put a description of the offense in the AOL "literal" field.
- Agencies shall use the arrest disposition code of 235 for Class C Family Violence arrests only. This code allows a court reporting to follow.
- Arresting agencies will continue to use the 233 arrest disposition code for all other Class C arrests. This code is specific for the reporting of Class C Misdemeanors and will close the arrest.
- Chapter 51 Section 51.03 and Chapter 58 Section 58.104(a) of the Texas Family Code prohibits Texas DPS from collecting Class C offenses on juveniles.

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Class C Offense Codes

Offense Code	Citation	Literal
10200000	CLASS C KIDNAPPING CLASS C	
11000000	CLASS C SEXUAL ASSAULT CLASS C	
12000000	CLASS C ROBBERY CLASS C	
13000000	CLASS C ASSAULT CLASS C	
14000000	CLASS C THREAT CLASS C	
17000000	CLASS C MATERIAL WITNESS CLASS C	
20000000	CLASS C ARSON CLASS C	
21000000	CLASS C EXTORTION CLASS C	
22000000	CLASS C BURGLARY CLASS C	
23000000	CLASS C THEFT CLASS C	
24000000	CLASS C STOLEN VEHICLE CLASS C	
25000000	CLASS C FORGERY CLASS C	
26000000	CLASS C FRAUD CHECK CLASS C	
27000000	CLASS C FALSIFICATION CLASS C	
28000000	CLASS C STOLEN PROPERTY CLASS C	
29000000	CLASS C DAMAGE PROPERTY CLASS C	
32000000	CLASS C DANGEROUS DRUGS CLASS C	
33000000	CLASS C SEX OFFENSES CLASS C	
37000000	CLASS C OBSCENITY CLASS C	
38000000	CLASS C FAMILY OFFENSES CLASS C	
39000000	CLASS C GAMBLING CLASS C	
40000000	CLASS C COMMERCIALIZED SEX OFFENSE CLASS C	
41000000	CLASS C LIQUOR VIOLATION CLASS C	
48000000	CLASS C OBSTRUCT POLICE CLASS C	
49000000	CLASS C FLIGHT/ESCAPE CLASS C	
50000000	CLASS C OBSTRUCTION OF JUSTICE CLASS C	
51000000	CLASS C BRIBERY CLASS C	
52000000	CLASS C WEAPON OFFENSE CLASS C	
53000000	CLASS C PUBLIC PEACE CLASS C	
54000000	CLASS C TRAFFIC OFFENSE CLASS C	
55000000	CLASS C REAL ESTATE VIOL CLASS C	
56000000	CLASS C CIVIL RIGHTS CLASS C	
57000000	CLASS C INVASION OF PRIVACY CLASS C	
58000000	CLASS C MISDEMEANOR CLASS C	
59000000	CLASS C ELECTION LAW VIOL CLASS C	
61000000	CLASS C TAX REVENUE VIOL CLASS C	
62000000	CLASS C CONSPIRACY VIOL CLASS C	
63000000	CLASS C MONEY LAUNDERING CLASS C	
69000000	CLASS C CRIMES AGAINST PERSON CLASS C	
71000000	CLASS C PROPERTY CRIME CLASS C	
72000000	CLASS C MORALS AND DECENCY CLASS C	
73000000	CLASS C PUBLIC ORDER CRIMES CLASS C	

Article 66.102 (h) Age of Victim Mandatory Offenses

- If an offender is charged, prosecuted or disposed on any of the "Age of Victim Mandatory Offenses", the Victim's age field must be completed. The "VIC" field is a two digit numerical field.
 - If the victim is less than one year of age, a "00" should be entered in the VIC field and the actual age should be included in the Offense Literal field (8 mos, 10 mos, etc.).
 - If the victim is one year of age or greater, the number should be entered into the VIC field as a whole number (08, 10, 15, etc.).
- Do not use the "VIC" field if the offense is not on the list of Age of Victim Mandatory Offenses.

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AGE OF VICTIM MANDATORY OFFENSES - CCP 66.102(h)

If the offender is charged, prosecuted, or disposed of any of the following offenses, the Victim's Age field must be filled out. It is a two-digit numeric field. If the victim is one year of age to 99 years of age, the number should be entered into the field as a whole number. If the victim is under 01 year of age, enter 00 and in the Literal field write the age: 6 days, 6 weeks, 6 months, or if the victim is over 99 years of age, enter 99 and in the Literal field write the age, 101 years, etc.

10990023	AGG KIDNAPPING SEXUAL ABUSE	20.04(a)(4)	PC	F1
10990024	AGG KIDNAPPING SEXUAL ABUSE SAFE RELEASE	20.04(d)	PC	F2
11990001	SEXUAL ASSLT	22.011(a)(1)	PC	F2
11990002	SEXUAL ASSLT CHILD	22.011(a)(2)	PC	F2
11990003	AGG SEXUAL ASSLT	22.021	PC	F1
11990004	AGG SEXUAL ASSLT CHILD	22.021(a)(2)(B)	PC	F1
11990015	SEX ABUSE OF CHILD CONTINUOUS VICTIM UNDER 14	21.02(b)	PC	F1
11990018	SEXUAL ASSAULT FROM PURPORT SPOUSE	22.011(f)(1)	PC	F1
11990019	SEXUAL ASSAULT BICAMY	22.011(f)(1)	PC	F1
11990020	SEXUAL ASSAULT DONOR W/O CONSENT	22.011(g)(2)	PC	F3
22990007	BURGLARY HABITATION INTEND SEX OFFENSE	30.02(d)	PC	F1
36010005	INDECENCY W/CHILD SEXUAL CONTACT	21.11(d)	PC	F2
36140001	INDECENCY W/CHILD EXPOSES	21.11(d)	PC	F3
64070002	COMPELLING PROSTITUTION UNDER AGE 18	43.05(b)	PC	F1
64050001	SEXUAL PERFORM CHILD <14 EMPLOY/INDUCE/AUTHORIZE	43.25(c)	PC	F1
64050002	SEXUAL PERFORM CHILD EMPLOY INDUCE/AUTHORIZE	43.25(c)	PC	F2
64050003	SEXUAL PERFORM CHILD <14 YRS PRODUCE/DIRECT/PROMOTE	43.25(e)	PC	F2
64050004	SEXUAL PERFORM CHILD PRODUCE/DIRECT/PROMOTE	43.25(e)	PC	F3
64110016	TRAFFICKING CHILD ENGAGE CONDUCT/SEXUAL	20A.02(a)(7)	PC	F1
64110017	TRAFFICKING CHILD ENGAGE CONDUCT/SEX/BENEFIT	20A.02(a)(8)	PC	F1

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Brain Break



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Agency Submissions



- Thousands of arrest, prosecutor, and court submissions are successfully sent in to DPS Crime Records daily.
- However, a small percentage of these submissions become "problem records".
- This happens when the submission process is not properly or fully executed.
- The Error Resolution Unit (ERU) works with agencies all over the state to correct these records, including Police Departments & Sheriff's Offices, District & County Attorneys, District & County Clerks, and Municipal & JP Courts.

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Corrections

Many agencies perform quality control measures to ensure the accuracy of the information reported to DPS. When an error or discrepancy is identified, the incorrect data should be submitted to DPS in the form of a correction by the appropriate agency in order to maintain the integrity of CCH.

WHAT TO DO:

- If the error was initiated within your agency, make the necessary modifications and forward a correction request to DPS via fax, mail or by email.
- If the error was initiated within another agency, the error should be brought to that agency's attention and the correction request should be reported to DPS by that agency.

Basic corrections can be sent to our Corrections box, but you can continue to send more complex corrections directly to Error Resolution.

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Electronically Submitted Corrections

Limited corrections are available through the [CJIS site](#) for arresting agencies, prosecutors, and courts. Please contact your CJIS rep, or call CJIS Field Support at 512-424-2478, for more information.

If you are unable to make a correction on the CJIS site, the correction can be submitted by mail, email, or fax.

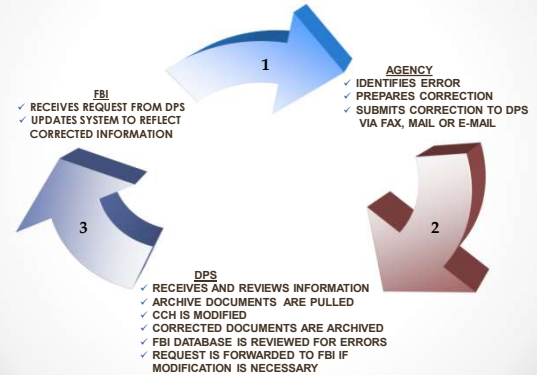
Please do not attempt to submit an arrest correction via Livescan.

- An attempt to correct a problem arrest record by re-submitting the Livescan transmission, will only cause or create further errors and duplicates.



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Correction Process



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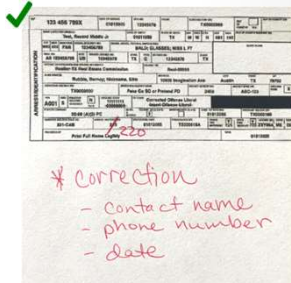
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Corrections Submitted by Fax, Mail or E-Mail

screenshot from CJIS site:



correction on CR-43 form:




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DPS correction form:

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Duplicate TRN Examples

**TEXAS DEPARTMENT OF PUBLIC SAFETY
Error Resolution Unit
CORRECTION / MODIFICATION REQUEST**

(Submitting Agency)
(Address)

Date: _____
Attention Name: _____ DOB: _____
FID#: _____
Modification number: _____
DOA: _____ TRN: _____
TRN: _____

We're respectfully requesting a MODIFICATION of the submitted information.
This data was submitted due to an incorrect human error. Our records have been modified.
Please make the same correction in CCH and at the FBIVS system.

A) Please modify _____
FI: _____
TO: _____
B) Please remove TRN: XXXXXXXXXXXX
DOA: JUN-2025.

This arrest is from a Nov-2017; this arrest was submitted in duplication of TRN 0000000000, and is not a valid arrest/prearrest for this defendant.

Please advise when this request has been completed for documentation of our records.

If you have any questions, please feel free to contact us.

Respectfully Submitted,

Name: OR:
Agency Representation(s)
Email address
Phone number

Brain Break




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Introduction to Switch Print/Switch Records & Misuse of Identity Records

Problem arrest records typically occur when an agency transmits/submits an arrest with inaccurate identifiers and/or fingerprints.

The three most common types of Submission errors are:

- Arrest Switched Records (SR)
- Arrest Switched Print/ Switched Records (SP/SR)
- Misuse of Identity Arrest Records



© 24

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The Arrest Switched Record (SR)



- Scenario:
 - Two individuals are arrested and fingerprinted the same day.
 - The 1st individual's prints transmit correctly with the proper identifiers and arrest information to their SID.
 - The 2nd individual gets submitted with the 1st individual's prints and the 2nd individual's identifiers and arrest information.

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Arrest Switched Record (SR) continued...

Ima Thief and Crystal Meth are arrested the same day.

Both arrests are submitted via Livescan.

Thief has a criminal record under SID #07070707.

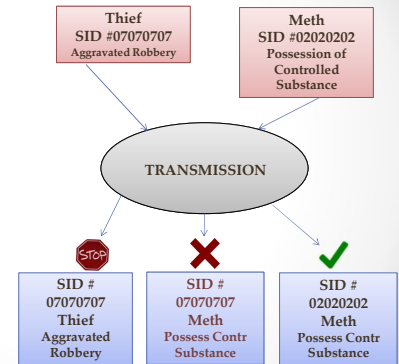
Meth also has an existing criminal record under SID #02020202.

Meth's prints correctly match up with her identifiers and arrest information and are processed successfully.

Thief's arrest is not applied to her criminal record under SID #07070707. Why?

Meth's book-in/arrest information has been attached to Thief's fingerprints creating a Bum arrest under Thief's criminal history record.

We're missing correct information for Thief.



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The Switched Print/Switched Record (SP/SR)



- Scenario:
 - Two individuals are arrested and fingerprinted on the same day.
 - The 1st individual's prints transmit correctly with the proper identifiers and arrest information to their SID.
 - The 1st individual's prints transmit again, this time with the 2nd individual's identifiers and arrest information, creating a new "BUM" SID.
 - The 2nd individual's prints transmit correctly with the proper identifiers and arrest information to their SID.
- Result:
 - (SP/SR)—A 3rd arrest record is created and a new SID or "BUM" SID is issued.
 - This new SID contains:
 - An arrest with the 1st individual's fingerprints attached to the 2nd individual's arrest information and identifiers.

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Switched Print/Switched Record (SP/SR) continued...

Mary J. Juana and Nun Chuck get arrested on the same day. Both arrests are submitted via Livescan.

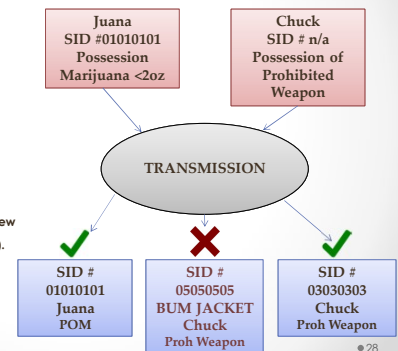
Juana has a criminal record under SID #01010101.

Chuck has no priors and therefore does not have a criminal SID #.

Juana's prints correctly match up with her identifiers and arrest information and are processed successfully.

Juana's prints are attached to Chuck's arrest and identifying information. Since the prints and arrest information don't match, a new SID # is created for this transaction under SID #05050505 (BUM JACKET).

Chuck's prints correctly match up with his identifiers and arrest information and are transmitted successfully creating a criminal record under SID #03030303.



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Correcting Switched Prints/Switched Records

- If a switch print error is noticed, you may resubmit the arrest via livescan with the correct arrest information, fingerprints and the same TRN. However, you must follow up by emailing, mailing or faxing information regarding the incorrect arrest submission to ERU.
- If you are unable to resubmit the arrest via livescan you may email, fax or mail the correction form to ERU along with the CR-43 and Fingerprints. Error Resolution will remove the incorrect arrest data and apply the corrected arrest information to CCH.

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Texas Department of Public Safety
Error Resolution Unit
Correction Form – Switched Record

(Submitting Agency)
(Address) _____

Date: _____

Arrestee 1: Name: _____
SID: _____

Arrestee 2: Name: _____
SID: _____

Date of Arrest: _____

TRN _____ has been submitted twice. One submission has Arrestee 1 prints with Arrestee 2 ID/Arrest information. TCH _____ is an invalid submission for SID _____ for Date of Arrest _____. Results of a fingerprint comparison concluded that the two defendants are not one in the same. Please delete TRN _____, Identifiers, and all charges associated with the transmission from SID _____. Attached is a copy of the correct CR-43 arrest and set of fingerprints for Arrestee 1.

Respectfully Submitted,
(Agency Representative)

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The Misuse of ID Record

- Scenario:
 - An individual assumes the identifying information of another person at the time of arrest.
- Result:
 - The identifiers of a person who does not have a criminal record are associated to a criminal SID #.

Or...

 - The identifiers of a person with a prior criminal record will now be associated to the criminal record of the person assuming their identity.



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Misuse of ID Record continued...

Bud Weiser is arrested for Driving While Intoxicated. He has a criminal record under SID #08080808.

He gave the name Sam Adams at the time of arrest.

The arrest is transmitted.

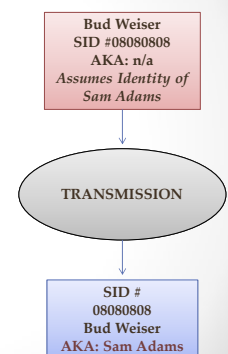
The name Sam Adams applies to SID #08080808 as an alias.

DPS is made aware that there is a possible error on the record.

DPS has to determine:

- If Sam Adams was actually arrested on this arrest date.
- Or...
- If Bud Weiser misused/assumed Sam Adams' identity at the time of arrest.

If an agency can verify that identity has been assumed at the time of arrest, notify ERU on your letterhead for documentation.



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TEXAS DEPARTMENT OF PUBLIC SAFETY
ERROR RESOLUTION UNIT
CORRECTION FORM – ASSUMED IDENTITY

(Submitting Agency)
(Address)

Date: _____

Arrestee 1: Name: _____ DOB: _____
SID: _____

Arrestee 2: Name: _____ DOB: _____
SID: _____

Date of Arrest: _____

A search was conducted for two defendants pertaining to Date of Arrest: _____
Results of a fingerprint comparison have concluded that Arrestee 1:
_____ assumed the identity of Arrestee 2.
_____ did not assume the identity of Arrestee 2.

Attached are copies of the correct CR-43 arrests and fingerprints for Arrestee 1
and Arrestee 2.

Respectfully Submitted,
(Agency Representative)

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State of Texas

Declaration of Identity Misuse/Theft & Consent Document

The Identity Theft File was created in September 1999, as a means for law enforcement to "flag" stolen identities when the victim's identity is being used, or is intended to be used, to commit an unlawful activity. This file is also known as the Stolen Identity File.

- As required by Texas Government Code, Section 411.0421, an individual must contact their local Sheriff's Office to file a report that his/her identity had been used by another person without their consent.
- If the Sheriff and prosecuting attorney determine the individual's identity has been misused, a Declaration is prepared and signed by the complainant, prosecutor, and Sheriff stating the individual making the report had his/her identity used fraudulently by another person without consent.
- The complainant is asked to provide a password (name, word, number, letter, or combination of any 20 or fewer characters as designated by the individual) as a unique password to verify the individual's identity.
- The Sheriff's office is responsible for taking the individual's fingerprints, and submitting them to the Department of Public Safety Error Resolution Unit, along with the original signed copy of the Declaration, for verification. Once completed, the Sheriff's office receives a copy of the results to make the entry into TCIC/NCIC 2000 National File.

Declaration information will stay in the TCIC/NCIC National File for 5 years.

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(DECLARATION – PAGE 2)

NAME: Adriana Simeon
DOB: 12-12-1974 **SSN:** 123-45-6789 **MOBILE:** 214-555-1234

DATE OF BIRTH: 12/12/1974 **SOCIAL SECURITY NUMBER:** 123-45-6789

DATE OF THEFT OR REPORT: 08/28/2016 **OCAL:** 95-12345

ADDRESS OF INDIVIDUAL FILING REPORT:
Street: 123 Main Street
City/State/Zip: Houston, Texas 77001

PASSWORD: Adriana Simeon (must be 20 characters or less)

Signature: Adriana Simeon **Date:** 08/28/2016

Signature: Adriana Simeon **Date:** 08/28/2016

Signature: Adriana Simeon **Date:** 08/28/2016

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Misuse of Identity Expunction

CHAPTER 55A. EXPUNCTION OF CRIMINAL RECORDS SUBCHAPTER A. MANDATORY EXPUNCTION

Art. 55A.006. MISTAKEN IDENTITY. Notwithstanding the limitation provided by Article 55A.001, a person is entitled to obtain the expunction of any information that identifies the person, including the person's name, address, date of birth, driver's license number, and social security number, contained in records and files relating to the person's arrest or the arrest of another person if:

(2) the expunction of identifying information is sought with respect to the arrest of a person other than the person asserting the entitlement and:

(A) the information identifying the person asserting the entitlement was falsely given by the arrested person as the arrested person's identifying information without the consent of the person asserting the entitlement; and

(B) the only reason why the identifying information of the person asserting the entitlement is contained in the applicable arrest records and files is the deception of the arrested person.

Art. 55A.256. APPLICATION FOR EXPUNCTION BASED ON MISTAKEN IDENTITY.
(a) A person who is entitled to the expunction of information contained in records and files under Article 55A.006 may file an application for expunction with the attorney representing the state in the prosecution of felonies in the county in which the person resides.

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It is the policy of DPS that an individual may have access to, and receive a copy of, their Texas Criminal History Record. This policy is in compliance with Texas Government Code, Section 552.023.

- A public criminal history search can be done online at <https://publicsite.dps.texas.gov/ConvictionNameSearch/>
- A certified Texas criminal history can be obtained by fingerprinting. The individual will need to set up an appointment to be fingerprinted by IdentoGO for a TXiReview at <https://uenroll.identogo.com>, service code 11FT12, or by calling 888-467-2080.
- Individuals can obtain a copy of their FBI criminal record at select IdentoGO locations as well. Appointments may be scheduled online at www.identogo.com or by calling 877-783-4187.
- The FBI offers several other options to obtain an FBI Identity History Summary Check: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>

Statewide/ Federal Background Checks



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Gun Control Act of 1968

The Gun Control Act (GCA) of 1968 was passed after the assassinations of President John Kennedy, Attorney General Robert Kennedy and Dr. Martin Luther King, Jr. The GCA imposes stricter licensing and regulation on the firearms industry, establishes new categories of firearms offenses, and prohibits the sale of firearms and ammunition to felons and certain other prohibited persons.

The GCA makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms or ammunition, to include any person:

- Under indictment for, or convicted in any court of, a crime punishable by imprisonment for a term exceeding one year
- who is a fugitive from justice
- who is an unlawful user of or addicted to any controlled substance
- who has been adjudicated as a mental defective or has been committed to any mental institution
- who is an illegal alien
- who has been discharged from the Armed Forces under dishonorable conditions
- who has renounced his or her United States citizenship
- who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner
- who has been convicted of a misdemeanor crime of domestic violence.

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The Brady Act

- The Brady Handgun Violence Prevention Act of 1993 (Brady Act/Brady Bill) is a result of:
 - The attempted assassination of former President Ronald Reagan.
 - Permanent injuries sustained by Press Secretary James Brady.

The Brady Act/ Brady Bill was led by Jim and Sarah Brady; they lobbied for stricter regulations in relation to the transfer of firearms.

On November 30, 1993, the Brady Handgun Violence Prevention Act was enacted, amending the Gun Control Act of 1968. The Brady Law imposed, as an interim measure, a waiting period of 5 days before a licensed importer, manufacturer, or dealer may sell, deliver, or transfer a handgun to an unlicensed individual.

In 1998, the permanent provisions of the Brady Law became effective and applied to all firearms.

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The Bipartisan Safer Communities Act

The Bipartisan Safer Communities Act (BSCA) is a United States federal law, passed in 2022. It implemented several changes to the mental health system, school safety programs, and gun control laws:

- extended background checks for firearm purchasers under the age of 21
- clarification of federal firearms license (FFL) requirements
- funding for state red flag laws and other crisis intervention programs
- further criminalization of arms trafficking and straw purchases
- partial closure of the gun show loophole and boyfriend loophole

Title II Section 12001 of BSCA expands background checks for gun purchasers under the age of 21. It prohibits the purchase of a firearm if the purchaser has committed a disqualifying crime while under 18 and requires a National Instant Criminal Background Check System (NICS) background check to include the records of state governments and local law enforcement. It also ensures that during this process mental health records under the age of 16 are not disqualifying, that no waiting periods are applied, and that an annual audit take place to ensure that only applicable criminal records are considered.

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NICS

The National Instant Criminal Background Check System (NICS), operated by the FBI, is designed to quickly determine if a person is legally allowed to purchase or own firearms. NICS plays a crucial role in preventing firearms from falling into the hands of individuals who are legally prohibited from owning them.

When a potential firearm buyer goes to a licensed firearms dealer (FFL), the FFL initiates a NICS background check by submitting the buyer's information to the FBI.

The NICS system then conducts a search of criminal records and other databases to determine if the person is prohibited from possessing firearms.

The NICS system involves collaboration between the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and state and local law enforcement agencies.

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NICS continued...

FBI NICS must contact the following via fax, email, or the LEEP Portal to obtain missing disposition information:

- Local Law Enforcement Agencies
- Judicial Agencies
- Other Agencies

*****NICS requires a Three-Business Day Requirement *****

When you receive a NICS request, you must provide your agency's documentation to show final disposition information or inform them that there are no records available. They may ask for police report narratives to define relationships in Domestic Violence charges, lab reports to confirm controlled substances, or involuntary commitment documentation for mental health purposes. DPS doesn't typically have access to these types of documents, so it's important that your agencies fill in these blanks for the FBI.

a) Texas Government Code, §411.0521, mandates the clerk of the court to provide to the department information relating to certain persons' access to firearms to be forwarded to the Federal Bureau of Investigation (FBI) for use in the National Instant Criminal Background Check System (NICS).

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Helpful Contacts

for additional assistance, contact the appropriate section below:

LIVESCAN TRANSMISSION PROBLEMS

- Chrystal Davila, Biometric Coordinator
livescan@dps.texas.gov
ph. (512) 424-7026

ELECTRONIC DISPOSITION REPORTING (EDR) PROBLEMS:

- Cassandra Richey, EDR Coordinator
cassandra.richey@dps.texas.gov
ph. (512) 424-2479
- Anna Gay, Assistant EDR Coordinator
anna.gay@dps.texas.gov
ph. (512) 424-7585

CRIMINAL HISTORY RECORD CORRECTIONS:

- corrections.cjis@dps.texas.gov
fax (512) 424-2476

CRIMINAL HISTORY INQUIRY UNIT:

- ph. (512) 424-5079

NON-DISCLOSURES:

- NonDisclosures@dps.texas.gov

EXPUNCTIONS:

- expunctions@dps.texas.gov

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FINGERPRINT SECTION:

- ph. (512) 424-5248

SID CONFIRMATION/MISRAPS:

- Crime Records- Fingerprint Section
FPrequest@dps.texas.gov
ph. (512) 424-5248

CERTIFIED CRIMINAL HISTORY REQUEST:

- Crime Records- Fingerprint Section
FP_processing@dps.texas.gov
ph. (512) 424-5248

SEX OFFENDER REGISTRY (SOR):

- ph. (512) 424-2800

LEGAL SUPPORT:

- Exp/Juv Sealing Coordinators
ph. (512) 424-5258/5367

CJIS/JRS SUPPLIES:

- ph. (512) 424-2367
- fax (512) 424-5599

DRIVER LICENSE SUSPENSIONS:

- ph. (512) 424-2400

DIC-17 ASSISTANCE:

- ph. (512) 424-2031

DRIVERS LICENSE CONVICTION REPORTING:

- DPS Enforcement and Compliance (EC5)
convictionreporting@dps.texas.gov
convictionreporting@corrections@dps.texas.gov
ph. (512) 424-2031
fax (512) 424-5809 or 2231

DRIVER LICENSE ERRORS:

- DPS Driver License Bureau
DriverLicenseErrors@dps.texas.gov

DRIVER LICENSE FRAUD:

- DPS Joint Crime Information Center
tlc@dps.texas.gov
ph. (512) 424-7981

DNA KITS:

- ph. (512) 424-2387

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Texas Department of Public Safety Website:
www.dps.texas.gov

ERU CONTACT INFORMATION:
Texas Department of Public Safety
Attn: Error Resolution Unit
P.O. Box 4143
Austin, Texas 78765-4143

Agent Line: (512) 424-7256 Fax: (512) 424-5577
Email: error.resolution@dps.texas.gov



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