

## What is NICS?

As required by law, the National Instant Criminal Background Check System (NICS) conducts background checks on people who want to own a firearm or explosive.

When a person tries to buy a firearm, the seller, known as a Federal Firearms Licensee (FFL), contacts NICS electronically or by phone. The prospective buyer fills out an [ATF form](#), and the FFL relays that information to the NICS. The NICS staff performs a background check on the buyer. That background check verifies the buyer does not have a criminal record or isn't otherwise ineligible to purchase or own a firearm under state or federal law.

### How does information that would disqualify a buyer from obtaining a firearm get reported by Texas court officials to NICS?

- District clerks and county clerks report the disposition of **criminal cases** through the Texas Department of Public Safety's (DPS) *Electronic Disposition Reporting* portal in its Criminal Justice Information System (CJIS) site, which serves as the state's computerized criminal history system.
- District clerks and county clerks report **prohibiting mental health adjudications and commitments** through the Texas DPS's *NICS Indices Entry (NIE)* portal in CJIS. (See Texas Mental Health Reporting Table.)

If a clerk does not have any activity to report for a month, a "Zero Activity" Report is required for the month.

- Clerks or relevant courts report convictions for fine-only **(Class C) assaults involving family violence** through the Texas Department of Public Safety's *NICS Indices Entry* portal in CJIS.

Information submitted on felony convictions, mental health adjudications and commitments, and Class C family violence assault convictions is forwarded to the FBI for inclusion in its NICS Indices to conduct background checks.

# NICS REPORTING CHART

*Note: It is the **signed court order or receipt of a mandate** from an appellate court reversing the order in the cases below that trigger the reporting requirement.*

| Cases to Report  | Case Status  | Patient Status   | Facilities  | Report Due   |
|--|--|--|---|--|
| <b>1. Mental Health or Intellectual Disability Commitments – 16 years of age or older</b>                        |  |  |   |  |
| a. Court-Ordered Mental Health Commitment (Health and Safety Code, Chapter 574)                                  | Order for court-ordered <b>inpatient</b> commitment signed & filed                                   | Court-ordered temporary or extended <b>inpatient</b> mental health commitment  | State hospitals, private hospitals, Veterans' Affairs hospitals, etc.   | Within 30 days of court order to NICS  |
|  | Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)                        | <b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services  | N/A   | Within 30 days of court order to NICS  |
| b. Commitment to Long-Term Residential Care (Health and Safety Code, Subchapter C, Chapter 593)                  | Order for commitment signed & filed  | Intellectually disabled  | State supported living center or ICF-IID component of the Rio Grande Ctr                                      | Within 30 days of court order to NICS  |
|  | Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)                        | <b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services  | N/A   | Within 30 days of court order to NICS  |
| <b>2. Criminal Cases – Adults (17 years or older) or Juveniles (under 17 years of age) Certified as an Adult</b> |  |  |   |  |
| a. Incompetency to Stand Trial (Code of Criminal Procedure, Chapter 46B)   | Order of determination of incompetency to stand trial; order extending previously ordered commitment | Found incompetent to stand trial, including mental illness or intellectual disability – released on bail or committed to treatment facility or jail-based competency restoration program | Outpatient or jail-based competency restoration program, mental health facility, or residential care facility | Within 30 days of court order to NICS  |
| b. Acquittal for reasons of insanity or lack of mental responsibility (Code of Criminal Procedure, Chapter 46C)  | Final acquittal disposition reflecting insanity or lack of mental responsibility                     | Insanity or lack of mental responsibility  | Regardless of order for inpatient treatment or residential care   | Within 30 days of court order to NICS and within 5 days of disposition (to CJIS) |
| <b>3. Juvenile Cases (Delinquent Conduct or Conduct Indicating a Need for Supervision) – 16 years of age</b>     |  |  |   |  |
| a. Unfit to Proceed (Family Code, Chapter 55, Subchapter C or  | Court finding or jury verdict regarding unfitness to proceed   | Mental illness or intellectual disability  | Placed in outpatient program or   | Within 30 days of court order  |

|   |   |  |  |                                       |
|---|---|--|--|---------------------------------------|
| Health and Safety Code, Chapter 574)  | due to mental illness or intellectual disability  |  | private inpatient psychiatric facility; commitment to mental health facility; or commitment to residential care facility | to NICS                               |
|   | Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)                                   | <b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services                | N/A  | Within 30 days of court order to NICS |
| b. Not Responsible for Conduct (Family Code, Chapter 55, Subchapter D)  | Court finding or jury verdict regarding lack of responsibility due to mental illness or intellectual disability | Mental illness or intellectual disability  | Regardless of order for inpatient treatment or residential care  | Within 30 days of court order to NICS |
| c. Court-Ordered Mental Health Commitment (Family Code, Chapter 55, Subchapters B, C, or D or Health and Safety Code, Chapter 574)            | Order for court-ordered <b>inpatient</b> commitment signed & filed  | Court-ordered temporary or extended <b>inpatient</b> mental health commitment  | State hospitals, private hospitals, etc.   | Within 30 days of court order to NICS |
|   | Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)                                   | <b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services                | N/A  | Within 30 days of court order to NICS |
| d. Commitment to Long-Term Residential Care (Family Code, Chapter 55, Subchapter C or D or Health and Safety Code, Subchapter C, Chapter 593) | Order for commitment signed & filed   | Intellectually disabled  | State supported living center or ICF-IID component of the Rio Grande Ctr   | Within 30 days of court order to NICS |
|   | Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)                                   | <b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services                | N/A  | Within 30 days of court order to NICS |
| <b>4. Guardianships of an Adult - 18 years of age or older</b>  |   |  |  |                                       |
| Court Appointed Guardian of Incapacitated Adult (Estates Code, Title 3)   | Order appointing permanent or temporary guardian signed & filed   | Incapacitated adult who lacks mental capacity to manage his/her affairs, requiring guardian of the person, estate, or person and estate      | None specified   | Within 30 days of court order to NICS |
|   | Order granting relief from firearm disability signed (EC §1202.201)   | <b>May petition</b> for relief from firearms disability if guardianship was terminated because the person's capacity was completely restored | N/A  | Within 30 days of court order to NICS |
| <b>5. Reversal of Order by Appellate Court</b>  |   |  |  |                                       |

|                   |                                   |     |     |  |
|-------------------|-----------------------------------|-----|-----|--|
| Reversal of order | Mandate issued by appellate court | N/A | N/A | Within 30 days of receipt of mandate from appellate court by clerk |
|-------------------|-----------------------------------|-----|-----|--|

| Do Not Report  |  |
|--|--|
| 1. Guardianship of minors  | 4. Commitments orders for temporary or extended <b>outpatient</b> mental health services   |
| 2. Orders for emergency mental health detentions, admissions, or warrants; order of protective custody (mental health)               | 5. Applications for court-ordered inpatient mental health services that are transferred to another county to re-file or to hear your original filing |
| 3. Voluntary mental health commitments   | 6. Court-ordered inpatient chemical dependency or alcohol services   |
| 7. Juvenile (Delinquent Conduct or Conduct Indicating a Need for Supervision) cases in which the respondent is under 16 years of age |  |