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NICS **Mental Health** Reporting



Criminal History Reporting Training Unit 512-424-2478 CHR.Training@dps.texas.gov



The National Instant Criminal Background Check System (NICS)

What is Provides information to federal firearms licensees (FFLs) on wh firearms licensees (FFLs) on whether a prospective purchaser is eligible to receive or possess firearms

> NICS has 3 business days to determine whether a proposed gun transfer is prohibited

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NICS?



Background on NICS Why Reporting is Important **Reporting Requirements** How to Report

House Bill 3352

Passed by the Texas Legislature in 2009

Implements requirements of the federal **NICS Improvement Amendments Act of** 2007

Requires clerks to report NICS cases in which an order was issued on or after September 1, 1989

Bipartisan Safer Communities Act of 2022

Signed into federal law on June 25, 2022

Requires additional steps for a NICS background check on persons under the age of 21 seeking to possess a firearm

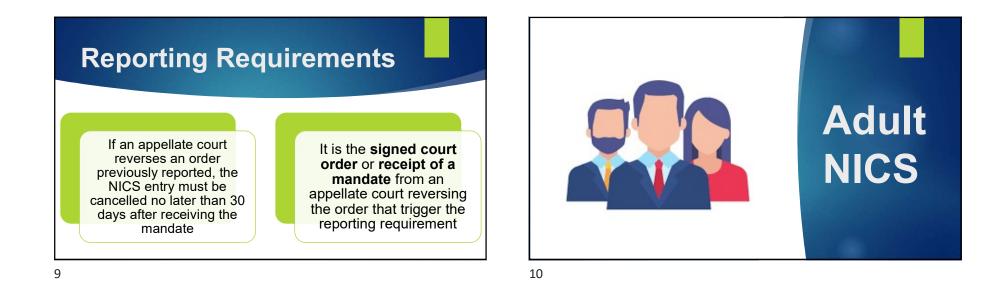
The additional check is meant to determine if the person has a possibly disqualifying juvenile record

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Cases with an order issued on or after September 1, 2009 must be entered into NICS not later than 30 days after the date of the court order

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Cases
to
to
Report
(Adult Only)Guardianships (Adult Only)Incompetent to Stand TrialMental Health CommitmentIntellectual Disability CommitmentAcquittals in criminal cases for reasons of
insanity or lack of mental responsibility



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Intellectual Disability Commitment (Including Minors Involved in a Case of Delinquent Conduct or Conduct Indicating a Need for Supervision (Juvenile Case)) Mental Health Commitments (including Minors Involved in a Case of Delinquent Conduct or Conduct Indicating a Need for Supervision (Juvenile Case))

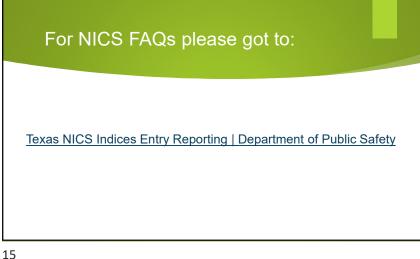
Incompetent to Stand Trial (only when certified to stand trial as an adult)

Acquitted for reasons of insanity or lack of mental responsibility (only when certified to stand trial as an adult)

Do Not Report

- Do NOT report guardianships of minors
- If the subject of a minor guardianship becomes an adult, the minor guardianship should still not be reported

▶ For NICS FAQs please go to:





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What is the LES EDR Website Portal

- The Electronic Disposition Reporting (EDR) web portal is provided by the Texas Department of Public Safety to assist counties in reporting their Case Disposition information to CCH and their Federal Firearms cases
- When contacting the EDR Website Portal Administrators, utilize and address the email to the <u>GRP_CJIS_SITE@DPS.TEXAS.GOV</u> email address to ensure a timely response

Who should apply for access to the EDR Website

- You can apply for access if you are with a criminal justice agency and will be entering criminal history dispositions
- Defined by CCP 66.001(5), a criminal justice agency is a state agency that is engaged in the administration of criminal justice (defined by CCP 66.001(1)) under a statute or executive order and allocates a substantial part of the agency's annual budget to the administration of criminal justice
- This website cannot be used for the sole purpose of pulling CCH data or researching what is in CCH – utilize the DPS Secure Site for those purposes

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Website Technical Problems

- If you encounter a technical problem, send an email to <u>GRP CJIS SITE@DPS.TEXAS.GOV</u> with the following information
 - Date and time the problem occurred
 - The operating system (OS) and web browser you are running and the version of them you are using
 - A description of the problem you are encountering and any relevant screenshots that might assist in diagnosing the problem
- If you have a question regarding reporting permissions or reporting errors, those are not 'technical' issues, direct those questions to your CHR Trainer or the CHR Training team

Data to Report

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Mental Health/Guardianship F	tecord ×
Agency *	
TX000013J	Case Type *
Case Number *	
12345	Choose Case Type
Case Type *	
Guardianship (Probate Code, Ch, XIII)	Involuntary inpatient mental commitment (HSC, Ch. 574)
Court Date *	NGRI (CCP, Ch, 46C and the former Art. 46.03)
01/01/2023	Mental retardation commitment (HSC, Sec. 593.052)
First Name *	Cuartinghia (Darkata Cada Ch. VIII)
Test	Guardianship (Probate Code, Ch, XIII)
Middle Name	Incompetent to stand trial (CCP, Ch. 46B and the former Art. 46.02)
Middle	
Last Name *	
Record	

	Suffix	
	Date Of Birth *	
	01/01/1900	
	Sex *	
D-1-1-	Male ~	
Data to	Race *	
Report	Unknown v	
Roport	Sid	
	TX 00000000	
	Social Security	
	123456789	
	Drivers License	
	TX0000000	
	Submit	

Do Not Report

Do not report based on the filing of a medical or psychological examination report presented as evidence

There must be an order filed by the court

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A NICS case should be cancelled if:

1) The case was entered in NICS in error (for example: guardianship of a minor) or individual is deceased.

 Select "No" for the Relief from Disabilities question

2) The individual has had his/her right to obtain or possess a firearm restored through the required court hearing and order

Select "Yes" for the Relief from Disabilities question

Cancel Record - EI	DR Site
X Cancel Mental Health/Guardianship 🧳 Mo	odify Existing Data 🕂 Add Supplemental 🗸 🗙
Cancel Mental Health/Guardianship	Cancel Mental Health/Guardianship
Is the deletion due to an ATF-approved State Relief from Disabilities Program? *	Is the deletion due to an ATF-approved State Relief from Disabilities Program? *
No Cancel Record	Yes Cancel Record
5	

Zero Report

For each month in which there are no reportable cases, the clerk must enter a "zero report" into NICS

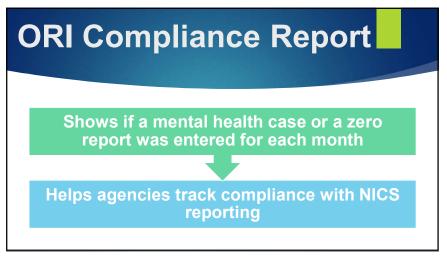
A zero report must be entered for each ORI under which a clerk reports

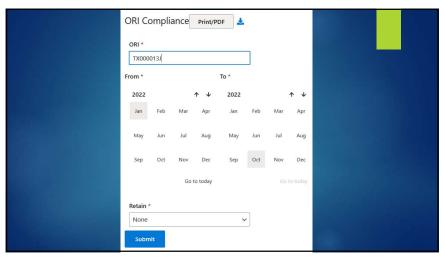
Zero Report – EDR Site	
Zero Report	×
Agency ORI *	
TX000013J	
Month *	
01	
Year *	
2022	
Submit	





Saved Reports General V Legacy NIE County V NICS Indices Entry V Entry By ORI Print/PDF	
ORI *	
Retain *	
Submit	
Count: 0	





ORI Compliance Report – EDR Site

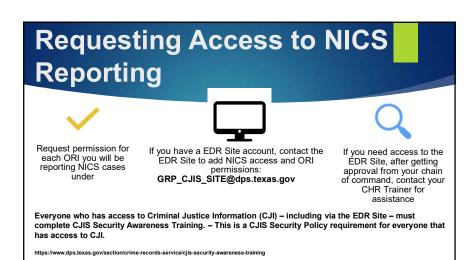
Count: 10

	ORI 🗸	Period 🗸	Entries 🗸	Zero Reports V
۲	TX000013J	01/2022	10	0
	TX000013J	02/2022	0	1
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DPS Data Validation

 DPS asks the clerk to submit documentation (court orders) validating the NICS entry

Г	
	Store
	X — I





What timeline does a clerk have to respond to a NICS inquiry?

FAQ

Immediately is best, but no later than 24 – 48 hours Would an Order to issue a warrant to have a person apprehended, detained, and transported to a Mental Health Facility be reported?

► No

As listed under DO NOT REPORT on page 3 of OCA's Texas NICS Mental Health Reporting Manual, you should NOT report emergency mental health detention orders, admissions or warrants, or orders for protective custody

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If you have multiple mental health commitment orders in the same case number, do you report each order? How do you enter the case number on subsequent orders?

FAQ

► Yes, you need to report each mental health commitment order issued by the court

▶ If there are multiple orders filed in the same case, add a suffix to the case number for each subsequent order, i.e., cause number 12345-2, 12345-3, etc.

If a person found incompetent to stand trial is then later found competent, do we remove the entry from NICS?

► NO - the NICS entry for that person remains in the database

► To regain his/her rights to obtain or possess a firearm, the person must petition the court that entered the prohibiting order and present evidence during a hearing demonstrating that he/she is no longer a danger to public safety



FAQ

I am trying to determine if this court order should be reported to NICS, who should I contact?

FAQ

▶ For assistance in determining if an order should be reported to NICS, contact OCA

courtservices@txcourts.gov

512-463-2417

- > The recommended best practice is to segregate the NICS mental health-related records from other case records
- Individuals that were entered into the EDR/NICS database must go through the Relief from Disability process to be removed from the database
- ▶ The FBI may contact clerks for additional or clarifying information

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Miscellaneous

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Contact Information

For questions about what type of cases to report, contact the Office of Court Administration:

courtservices@txcourts.gov **512-463-2417**

and ORIs, contact the EDR Site:

For how to report cases or run reports on the EDR Site, contact your CHR Trainer directly or the CHR Training Unit:

- CHR.Training@dps.texas.gov
- **512-424-2478**
- For questions about EDR Site access Ask for your CHR Trainer contact information GRP_CJIS_SITE@dps.texas.gov