



NICS Mental Health Reporting



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



1

What is NICS?

- ▶ The National Instant Criminal Background Check System (NICS)
- ▶ Provides information to federal 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

2

What is NICS?

- ▶ The FFL may lawfully transfer the firearm if a definitive determination is not made in 3 business days
- ▶ It is critical for the clerk to respond to NICS inquiries as soon as possible

3

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

4

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

5

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

6

Why Reporting is Important

Prevent the sale of a firearm to an individual who is ineligible to receive or possess a firearm

Maintain public safety

7

Reporting Requirements

Older cases must still be entered

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

8

Reporting Requirements

If an appellate court reverses an order previously reported, the NICS entry must be cancelled no later than 30 days after receiving the mandate

It is the **signed court order** or **receipt of a mandate** from an appellate court reversing the order that trigger the reporting requirement

9



Adult NICS

10

Cases to Report (Adult)

Guardianships (Adult Only)

Incompetent to Stand Trial

Mental Health Commitment

Intellectual Disability Commitment

Acquittals in criminal cases for reasons of insanity or lack of mental responsibility

11



Juvenile/ Minor NICS

12

Cases to Report Juvenile/ Minor)

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)

13

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:

14

For NICS FAQs please got to:

[Texas NICS Indices Entry Reporting | Department of Public Safety](#)

15

How to Report



16

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 GRP_CJIS_SITE@DPS.TEXAS.GOV email address to ensure a timely response

17

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

18

Website Technical Problems

- ▶ If you encounter a technical problem, send an email to GRP_CJIS_SITE@DPS.TEXAS.GOV 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

19

Data to Report

Mental Health/Guardianship Record ×

Agency *	TX0000133	Case Type *	
Case Number *	12345		
Case Type *	Guardianship (Probate Code, Ch. XIII)	Choose Case Type	
Court Date *	01/01/2023	Involuntary inpatient mental commitment (HSC, Ch. 574)	
First Name *	Test	NGRI (CCP, Ch. 46C and the former Art. 46.03)	
Middle Name	Middle	Mental retardation commitment (HSC, Sec. 593.052)	
Last Name *	Record	Guardianship (Probate Code, Ch. XIII)	
		Incompetent to stand trial (CCP, Ch. 46B and the former Art. 46.02)	

20

Data to Report

Suffix

Date Of Birth *

01/01/1900

Sex *

Male

Race *

Unknown

Sid

TX 00000000

Social Security

123456789

Drivers License

TX00000000

Submit

21

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

22

Do Not Report (Continued)

Do not report:

- ▶ Guardianships of minors
- ▶ Emergency mental health detentions, admissions, or warrants
- ▶ Orders of protective custody
- ▶ Voluntary commitments
- ▶ Commitments for temporary or extended outpatient mental health services
- ▶ Applications for court-ordered inpatient mental health services that are forwarded to another county to re-file or to hear your original filing
- ▶ Court-ordered inpatient chemical dependency or alcohol services

23

Canceling a Record

- ▶ 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

24

Cancel Record - EDR Site

✕ Cancel Mental Health/Guardianship
✎ Modify Existing Data
✚ Add Supplemental
✕

Cancel Mental Health/Guardianship

Is the deletion due to an ATF-approved State Relief from Disabilities Program? *

No

Cancel Record

Cancel Mental Health/Guardianship

Is the deletion due to an ATF-approved State Relief from Disabilities Program? *

Yes

Cancel Record

25

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

26

Zero Report – EDR Site

Zero Report

Agency ORI *

TX000013J

Month *

01

Year *

2022

Submit

27

EDR Site - NICS Reports

Entry By ORI Report

ORI Compliance Report

28

Entry By ORI Report

Shows all cases entered into the NICS database for a specific ORI

Provides the details of the cases, including name, court date, etc.

29

Saved Reports General Legacy NIE County NICS Indices Entry

Entry By ORI Print/PDF

ORI *

TX000013J

Retain *

None

Submit

Count: 0

30

ORI Compliance Report

Shows if a mental health case or a zero report was entered for each month

Helps agencies track compliance with NICS reporting

31

ORI Compliance Print/PDF

ORI *

TX000013J

From *

To *

2022

↑ ↓

2022

↑ ↓

Jan

Feb

Mar

Apr

Jan

Feb

Mar

Apr

May

Jun

Jul

Aug

May

Jun

Jul

Aug

Sep

Oct

Nov

Dec

Sep

Oct

Nov

Dec

Go to today

Go to today

Retain *

None

Submit

32

ORI Compliance Report – EDR Site

Count: 10

ORI ▾	Period ▾	Entries ▾	Zero Reports ▾
✓ TX000013J	01/2022	10	0
TX000013J	02/2022	0	1

33

DPS Data Validation

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



34

Requesting Access to NICS Reporting



Request permission for each ORI you will be reporting NICS cases under



If you have a EDR Site account, contact the EDR Site to add NICS access and ORI permissions:
GRP_CJIS_SITE@dps.texas.gov



If you need access to the EDR Site, after getting approval from your chain of command, contact your CHR Trainer for assistance

Everyone who has access to Criminal Justice Information (CJI) – including via the EDR Site – must complete CJIS Security Awareness Training. – This is a CJIS Security Policy requirement for everyone that has access to CJI.

<https://www.dps.texas.gov/section/crime-records-service/cjis-security-awareness-training>

35

FAQs and Miscellaneous

36

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

FAQ

- ▶ Immediately is best, but no later than 24 – 48 hours

37

Would an Order to issue a warrant to have a person apprehended, detained, and transported to a Mental Health Facility be reported?

FAQ

- ▶ 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

38

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.

39

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

FAQ

- ▶ 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

40

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

41

► 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

Miscellaneous

42

Contact Information

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

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

For questions about EDR Site access and ORIs, contact the EDR Site:

- ❑ GRP_CJIS_SITE@dps.texas.gov

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
- ❑ Ask for your CHR Trainer contact information

43