

# NICS Mental Health Reporting



Field Auditor  
Region List



CJIS Field Support Unit

[CJISJJIS@dps.texas.gov](mailto:CJISJJIS@dps.texas.gov)

512-424-2478

# 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

# 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

**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**

# 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

# Reporting Requirements

Older cases must still be entered

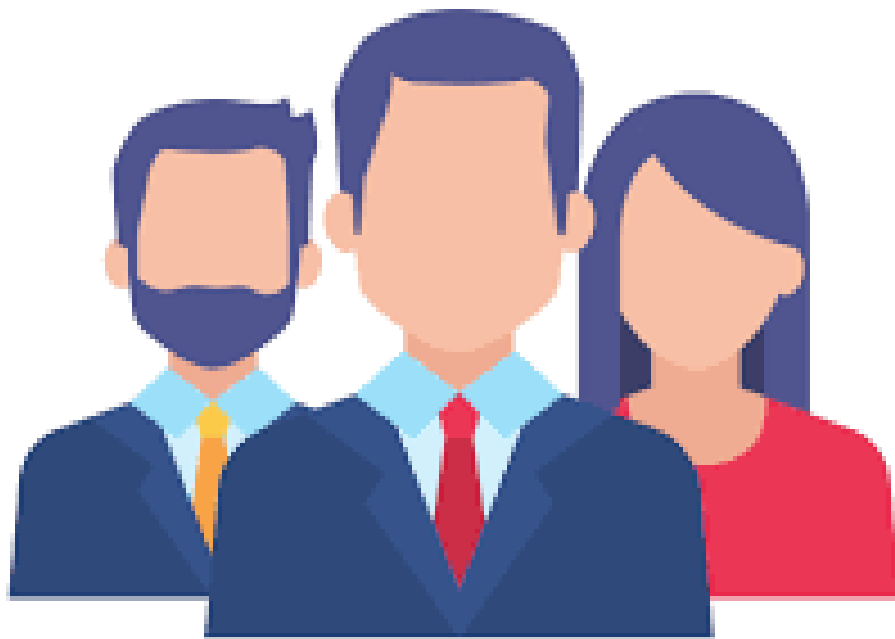
Cases with an order issued on or after September 1, 2009 must be entered into NICS not later than 30 days after the date of the court order



# 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



# Adult NICS

# Cases to Report (Adult)



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**Guardianships (Adult Only)**

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**Incompetent to Stand Trial**

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**Mental Health Commitment**

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**Intellectual Disability Commitment**

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



# Juvenile/ Minor NICS

# 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)

# 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

# How to Report



# Data to Report

## Mental Health/Guardianship Record ×

**Agency \***

TX000013J

**Case Number \***

12345

**Case Type \***

Guardianship (Probate Code, Ch, XIII)

**Court Date \***

01/01/2023

**First Name \***

Test

**Middle Name**

Middle

**Last Name \***

Record

**Case Type \***

Choose Case Type

Involuntary inpatient mental commitment (HSC, Ch. 574)

NGRI (CCP, Ch, 46C and the former Art. 46.03)

Mental retardation commitment (HSC, Sec. 593.052)

Guardianship (Probate Code, Ch, XIII)

Incompetent to stand trial (CCP, Ch. 46B and the former Art. 46.02)



# Data to Report

**Suffix**

**Date Of Birth \***

**Sex \***

**Race \***

**Sid**

**Social Security**

**Drivers License**

**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

# 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

# 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)
    - ▶ 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 - CJIS 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

# 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 – CJIS Site

## Zero Report



Agency ORI \*

Month \*

Year \*

# CJIS Site - NICS Reports

**Entry By ORI  
Report**

**ORI Compliance  
Report**



# 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.

Saved Reports General ▾ Legacy NIE County ▾ NICS Indices Entry ▾

Entry By ORI

Print/PDF

ORI \*

TX000013J

Retain \*

None ▾

Submit

Count: 0

# 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

# 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

# ORI Compliance Report – CJIS Site

Count: 10

ORI ▾

Period ▾

Entries ▾

Zero Reports ▾



TX000013J

01/2022

10

0

TX000013J

02/2022

0

1

# DPS Data Validation

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



# Requesting Access to NICS Reporting



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



If you have a CJIS Site account, contact the CJIS Site to add NICS access and ORI permissions:  
**GRP\_CJIS\_SITE@dps.texas.gov**



If you need access to the CJIS Site, contact your CJIS Auditor for assistance

# FAQs and Miscellaneous





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

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

**FAQ**

**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

**FAQ**

**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?**

- ▶ 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.

**FAQ**

**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?**

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

**❑ [courtservices@txcourts.gov](mailto:courtservices@txcourts.gov)**

**❑ 512-463-2417**

**FAQ**

- ▶ The recommended best practice is to segregate the NICS mental health-related records from other case records
- ▶ Individuals that were entered into the CJIS/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

# Contact Information

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

- ❑ **[courtservices@txcourts.gov](mailto:courtservices@txcourts.gov)**
- ❑ **512-463-2417**

**For questions about CJIS Site access and ORIs, contact the CJIS Site:**

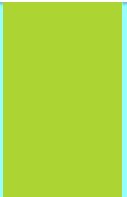
- ❑ **[GRP\\_CJIS\\_SITE@dps.texas.gov](mailto:GRP_CJIS_SITE@dps.texas.gov)**

**For questions on how to report cases or run reports on the CJIS Site, contact your CJIS Field Auditor directly or the CJIS Field Audit Unit:**

- ❑ **[CJISJJIS@dps.texas.gov](mailto:CJISJJIS@dps.texas.gov)**
- ❑ **512-424-2478**
- ❑ **Ask for your CJIS Field Auditor's contact information**

**Scan QR Code to download training materials and reportable offense codes**





Questions?

Field Auditor  
Region List

