

Benefits of Using the NICS E-Check

- A reduction in the NICS Call Center traffic.
- A more accurate search facilitated based on the direct entry of descriptive data by the transaction originator, thereby increasing data integrity.
- The ability to retrieve NICS background check results 24 hours per day, 7 days per week.
- The ability to retrieve all checks initiated at the NICS Call Centers or via the NICS E-Check.
- The ability to print completed NICS background check search requests.
- Spanish translation capabilities (a future enhancement under development).
- Increased usability for the hearing and speech impaired.
- The availability of messages regarding the NICS operational status.

Additional Information

For additional information pertaining to the NICS E-Check or the system's availability in your state, you may contact the FBI NICS Section via 1-877-444-6427 (select option three) or access the E-Check web site.

NICS Section Information:

Customer Service:

1-877-444-NICS (6427)

**Select Option 3 for NICS E-
Check**

Facsimile:

1-888-550-6427

**Telecommunications Device for
the Deaf (TDD):
1-877-NICS-TTY**

NICS Web Site:

www.fbi.gov/hq/cjisd/nics/index.htm

**NICS E-Check E-mail Address:
echeck@leo.gov**

NICS E-Check Web Site:

www.nicsezcheckfbi.gov

**NICS E-mail Address:
a_nics@leo.gov**

[Rev. August 2003]

U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division



NICS E-Check



NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

NICS E-Check

Brady Act Requirements

In November 1993, the Brady Handgun Violence Prevention Act of 1993 (Brady Act), Public Law 103-159, was signed into law requiring Federal Firearms Licensees (FFLs) to request background checks on prospective firearm transferees. The permanent provisions of the Brady Act, which went into effect on November 30, 1998, required the U.S. Attorney General to establish the National Instant Criminal Background Check System (NICS) so that any FFL may contact by telephone, or by other electronic means, for information to be supplied immediately, on whether the transfer of a firearm would violate Section 922 (g) or (n) of Title 18, United States Code, *or* state law.

NICS Operations and the E-Check

Depending upon the level of each state's participation with the NICS, every FFL is provided access to the NICS via one of the following three ways:

- Through a designated state point of contact (POC) for those states that have chosen to implement and maintain their own Brady NICS Program;
- Through the FBI NICS Section for those states that have declined to serve as a POC for the system (non-POC states); or
- Through the designated state POC for handguns and the FBI NICS Section for long guns.

In the non-POC states, the FFLs contact the FBI NICS Section using a toll-free telephone number to provide the requisite information to a customer service representative who initiates the check on their behalf. However, 28 Code of Federal Regulations (CFR) Part 25, NICS Regulations, allowed for the development of other electronic means of contact as alternatives in addition to the telephone.

Therefore, the FBI NICS Section, in a joint effort with the FBI Information Technology Management Section, Lockheed Martin Energy Systems, Science Applications International Corporation and

an FFL focus group, developed the NICS E-Check. This function enables the FFLs to conduct an *unassisted* NICS background check for firearm transfers via the Internet. The FFLs, via electronic communication, data enter the prospective firearm transferee's descriptive information directly into the NICS and initiate the transaction search process.

The NICS E-Check is very easy to use once the registration process has been completed. However, to utilize the NICS E-Check capability, certain restrictions apply:

- You must be a registered FFL;
- You must have Internet access; and
- You must use a web browser with 128-bit encryption technology.

Currently, the NICS E-Check is only available in those states whose FFLs are fully serviced by the FBI NICS Section inclusive of those states whose FFLs contact the FBI NICS Section for long gun transactions only.

Security

Access to the NICS E-Check is restricted through computer software and certification authority, thereby providing secure and restricted access. The NICS E-Check is monitored 24 hours a day, 7 days per week, for misuse, etc. In addition, the NICS E-Check denies access to any individual whose identification is not known to the system.

Reasons Why You May Receive a Delayed Response

If you have ever been arrested, (juvenile offenses, old arrest/conviction, misdemeanor arrest/conviction, non-convictions, investigation arrest, and/or current cases), charged, and/or fingerprinted for a criminal investigation.

❖ A Criminal History with an offense or conviction that could possibly fall under one of nine federal or various state prohibiting standards.

- Often the National Instant Criminal Background Check System (NICS) receives criminal history records that are incomplete. This requires extensive research by a NICS Legal Instrument Examiner (NICS Examiner) to obtain information that updates any criminal charges listed on the record.
- Any arrest/conviction that you have could cause a delayed response from the NICS. There is no limit on age of arrest/conviction. If you feel the arrest/conviction is not disqualifying, it may have been reported to the FBI differently, and would require additional research by the NICS.
- The NICS does not always receive complete disposition information from the courts and may need to research your criminal history record to determine if a specific offense and/or conviction is no longer disqualifying or has been cleared from your record.

❖ Stolen, Misplaced or Similar Identity:

- If you have a common name, you may experience a short delay every time you have a background check initiated.
- Someone with a criminal history may have a similar or altered name that causes an incorrect match on your descriptive data. The NICS checks are based on name and descrip-

tive data provided on the Alcohol, Tobacco, Firearm, and Explosives (ATF) Form 4473 (firearm application) form.

- Stolen or misplaced identity occurs when someone has used your key descriptive data (e.g.) full name, social security number, date of birth, and place of birth). An individual may have used this data to identify themselves at the time of arrest for the commission of a crime.

A Delayed Response

When a delayed response is received from the NICS, this indicates that information you have supplied on the ATF Form 4473 has been matched with information contained in one or more of the three National Criminal Computer Databases. Complete arrest and/or judicial information are not always provided on the criminal history record. When complete information is not provided, the NICS Examiners attempt to obtain complete record information by contacting law enforcement agencies, i.e., local, state, federal courts, arresting and judicial agencies to obtain dispositions, court records and police reports. The NICS updates criminal history records with information received, resolving many delayed transactions.

- ❖ Often the various judicial and law enforcement agencies are unable to meet the demand the NICS places on their resources. These agencies are often small and do not have the manpower to support the NICS requests or their court records are not maintained for extended periods of time. The information these agencies maintain is generally public record and can be easily obtained by you, the subject of the record.
- ❖ If you are able to obtain a certified copy of your court records, you may send this information along with your fingerprints to the FBI Special Correspondence Unit to be updated on criminal history files. Updating this information may resolve your

repeated delayed response to an immediate proceed.

Action You Can Take to Resolve Delayed Responses

- If you have any criminal history arrests/convictions, you should obtain the court certified documentation of the **final** outcome of your offense and forward the information to the FBI Special Correspondence Unit to update your FBI criminal history record.
 - The FBI Special Correspondence Unit will then send the information you provided to the state that holds your record.
 - Updating your FBI criminal history record can include having cases expunged, pardoned, conviction level changed or rights restored depending upon the legal process in the state of conviction and/or state of residence.
 - State policy on restoration of rights varies from state to state. Contact your state Office of the Attorney General for clarification.
 - If you are unsure of what may be on your criminal record, you may request a copy of your FBI record by contacting the FBI Special Correspondence Unit.
 - The FBI does not maintain all criminal history records. You may need to contact the state repository for criminal history information.
- ① A state repository is responsible for maintaining criminal history records that are reported to the FBI. This repository, not the FBI NICS Section, is responsible for maintaining and updating the information accessed on a criminal background check.
 - ② If you are unsure how to contact the state repository, please contact the state Office of the Attorney General for additional information.