

NICS INDICES SUBMISSIONS REFERENCE GUIDE FOR CONTRIBUTORS

* Documentation used for the NICS Indices entry must contain *name and date of birth* or *name and social security number* (or other miscellaneous number as listed in the Interface Control Document) at a minimum and be made available upon request to support an appeal or audit. Documentation must substantiate any/all information provided to the NICS Indices.

***All documentation pertaining to the entry should be retained for future reference.** This includes, but is not limited to, National Crime Information Center (NCIC) information, Interstate Identification Index (III) information, Internet website information, court documentation/transcripts (including convictions as well as offense levels), incident reports, lab results/drug tests, protection orders, warrants, etc.

Supporting documentation is required for submission/maintenance. If supporting documentation is purged, the NICS Indices entry should be removed.

A PERSON WHO HAS BEEN CONVICTED IN ANY COURT OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR OR ANY STATE OFFENSE CLASSIFIED BY THE STATE AS A MISDEMEANOR AND IS PUNISHABLE BY A TERM OF IMPRISONMENT OF MORE THAN TWO YEARS—922(g)(1)

- ✓ Necessary documentation: Document supporting a conviction and the conviction level.
- ✓ Examples: Court document with disposition/charge level, disposition/charge level information from prosecuting attorney, disposition/charge level found on a court website/database, etc.

Submit to the NICS Indices:

- ✓ Only if the date of arrest, including disposition and level of conviction, does not respond at the national level on a criminal history record (III).

PROHIBITING CATEGORY CODE (PCA)—A1

FUGITIVES FROM JUSTICE—922(g)(2)

PCA—B

- ✓ **Confirm the following: the warrant is a criminal warrant and is active; the individual has left the state; and the individual left the state to avoid prosecution for a crime or to avoid giving testimony in a criminal proceeding.**
- ✓ Necessary documentation: Copy of warrant or information indicating all prohibitive criteria.
- ✓ Examples: Copy of warrant from law enforcement, court document indicating warrant status, documents demonstrating the prohibition, etc.

Submit to the NICS Indices:

- ✓ Only if the warrant information is unable to be included in the NCIC.
- ✓ Retain all documentation.

<p>UNLAWFUL USER OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE—922(g)(3)</p> <p>PCA—C</p>	<ul style="list-style-type: none"> ✓ Necessary documentation: Documentation demonstrating that the 922(g)(3) criteria has been met: <ol style="list-style-type: none"> 1. Proof of controlled substance conviction within the past year; OR 2. Multiple controlled substance arrests within the past five years, with the most recent arrest being within the past year; OR 3. Positive result of a controlled substance from a test administered on the person or substance within the past year; OR 4. Documentation of self-admission of use within the past year. ✓ Examples: Court document showing conviction within the past year, III report showing multiple controlled substance arrests that would meet the prohibitor, police incident report, drug/lab test report, information from prosecuting attorney, information from probation/parole office, etc. <p><u>Submit to the NICS Indices:</u></p> <ul style="list-style-type: none"> ✓ When the information is based on the narrative of a qualifying arrest/incident report, drug/lab test results, or self-admission. ✓ When the information is based on a qualifying conviction AND the conviction disposition is NOT located on or is unable to be updated to the III to show the conviction. ✓ Entry should contain an expiration date.
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<p>ADJUDICATED AS MENTAL DEFECTIVE OR BEEN COMMITTED TO ANY MENTAL INSTITUTION—922(g)(4)</p> <p>PCA—D</p>	<ul style="list-style-type: none"> ✓ Necessary documentation: Documentation that the 922 (g)(4) criteria has been met: <ol style="list-style-type: none"> 1. A disposition in a criminal case of a finding of “not guilty by reason of mental defect or insanity”; or “incompetent to stand trial”; OR 2. A lawful authority has deemed an individual a danger to themselves or others; OR 3. A lawful authority has deemed an individual as unable to manage their own affairs; OR 4. Documentation of an involuntary commitment for treatment to an institution by a lawful authority. ✓ If adjudicated by a court, the document must contain the judge’s signature. ✓ Examples: Court-ordered adjudication documents, information in an electronic database that can be legally linked back to the original source document, any other documents demonstrating that the prohibitor has been met, etc.
<p>ALIENS ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES—922(g)(5)</p> <p>PCA—E</p>	<ul style="list-style-type: none"> ✓ Necessary documentation: Any documentation that would support this prohibitor. ✓ The authorized agency determining an alien’s legal status in the United States is the U.S. Immigration and Customs Enforcement and will be the primary contributor to this file.
<p>DISCHARGED FROM THE ARMED FORCES UNDER DISHONORABLE CONDITIONS—922(g)(6)</p> <p>PCA—F</p>	<ul style="list-style-type: none"> ✓ Necessary documentation: Documentation demonstrating the prohibitor. ✓ The best source for this type of information is the Department of Defense or the U.S. Coast Guard and will be the primary contributor to this file.
<p>CITIZENS OF THE UNITED STATES WHO HAVE RENOUNCED THEIR U.S. CITIZENSHIP—922(g)(7)</p> <p>PCA—G</p>	<ul style="list-style-type: none"> ✓ Necessary documentation: Documentation demonstrating the prohibitor. ✓ The source for information on citizenship renunciants is the U.S. Department of State and will be the primary contributor to this file.

SUBJECT TO A COURT ORDER THAT RESTRAINS THE PERSON FROM HARASSING, STALKING, OR THREATENING AN INTIMATE PARTNER OR CHILD OF SUCH INTIMATE PARTNER—922(g)(8)

PCA—H

✓ Necessary documentation: Protection Order demonstrating that the 922(g)(8) criteria has been met:

1. Is the order active?
2. Hearing: Was the order issued after a hearing of which “actual notice” was given to the person and at which the person had an opportunity to participate?
3. Intimate Partner/Restrains Future Conduct: Does it restrain such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person (e.g., spouse, former spouse, or individual who cohabitates or has cohabited with the defendant/respondent); OR engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the partner or child?
4. Credible Threat or Physical Force: Does it include a finding that such person represents a credible threat to the physical safety of such intimate partner or child; OR
By its terms, does it explicitly prohibit the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury?

✓ Examples: Copy of protection/restraining order from court or prosecuting attorney. Police incident reports, petitions for protection order, etc. Note: Police reports and petitions for protection orders may be used to establish relationship only.

Submit to the NICS Indices:

- ✓ The preferred location is the NCIC Protection Order File. If unable to submit to the NCIC, a NICS Indices entry may be made.
- ✓ Unless the protection order is non-expiring, the entry should contain an expiration date.

<p>CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE (MCDV)—922(g)(9)</p> <p>PCA—I</p>	<ul style="list-style-type: none"> ✓ Necessary documentation: Documentation demonstrating that all criteria for 922(g)(9) has been met: <ol style="list-style-type: none"> 1. Is there a conviction? 2. Is the conviction classified a misdemeanor under state, tribal, or federal law? (In states which do not classify offenses as misdemeanors, is an offense which is punishable by imprisonment for a term of one year or less?) 3. Does the offense/convicting statute contain, as an element, the use or attempted use of physical force <u>or</u> the threatened use of a deadly weapon? 4. Was the offense committed by someone of a qualifying relationship? ✓ Examples: Court documents/transcripts, incident reports, documents from prosecuting attorney, disposition information from a court Web site, III state record or other documents showing the conviction, relationship, physical force, and statute information to meet the prohibitor, etc. Note: The incident report can only be used to establish the relationship unless referred to in the convicting document.
<p>UNDER INDICTMENT OR INFORMATION FOR A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR OR A MISDEMEANOR PUNISHABLE FOR A TERM EXCEEDING TWO YEARS—922(n)</p> <p>PCA—A2</p>	<ul style="list-style-type: none"> ✓ Necessary documentation: Documentation demonstrating the criteria for 922(n) has been met: <ol style="list-style-type: none"> 1. A formal accusation of the qualifying crime as issued either by a court or prosecuting attorney. 2. Date indictment/information issued. 3. Date of trial (if known). ✓ Examples: Indictment/information documents from court or prosecuting attorney, indictment/information material from a website.

<p>STATE PROHIBITION FILE</p> <p>PCA—J AND APPROPRIATE STATE PROHIBITED CATEGORY CODE</p>	<ul style="list-style-type: none"> ✓ Necessary documentation: The authorized state statute should be referenced to ensure documentation would support all elements of the prohibition. ✓ Examples: Court documents, copy of protection order, copy of terms of probation, drug test results, substance abuse information, copy of a court order, mental health documents, etc.
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