

## What is NICS?

As required by law, the National Instant Criminal Background Check System (NICS) conducts background checks on people who want to own a firearm or explosive.

When a person tries to buy a firearm, the seller, known as a Federal Firearms Licensee (FFL), contacts NICS electronically or by phone. The prospective buyer fills out an [ATF form](#), and the FFL relays that information to the NICS. The NICS staff performs a background check on the buyer. That background check verifies the buyer does not have a criminal record or isn't otherwise ineligible to purchase or own a firearm under state or federal law.

## How does information that would disqualify a buyer from obtaining a firearm get reported by Texas court officials to NICS?

- District clerks and county clerks report the disposition of **criminal cases** through the Texas Department of Public Safety's (DPS) *Electronic Disposition Reporting* portal in its Criminal Justice Information System (CJIS) site, which serves as the state's computerized criminal history system.
- District clerks and county clerks report **prohibiting mental health adjudications and commitments** through the Texas DPS's *NICS Indices Entry (NIE)* portal in CJIS. (See Texas Mental Health Reporting Table.)

If a clerk does not have any activity to report for a month, a "Zero Activity" Report is required for the month.

- Clerks or relevant courts report convictions for fine-only **(Class C) assaults involving family violence** through the Texas Department of Public Safety's *NICS Indices Entry* portal in CJIS.

Information submitted on felony convictions, mental health adjudications and commitments, and Class C family violence assault convictions is forwarded to the FBI for inclusion in its NICS Indices to conduct background checks.

# NICS REPORTING CHART

*Note: It is the **signed court order or receipt of a mandate** from an appellate court reversing the order in the cases below that trigger the reporting requirement.*

Cases to Report	Case Status	Patient Status	Facilities	Report Due
<b>1. Mental Health or Intellectual Disability Commitments – 16 years of age or older</b>				
a. Court-Ordered Mental Health Commitment (Health and Safety Code, Chapter 574)	Order for court-ordered <b>inpatient</b> commitment signed & filed	Court-ordered temporary or extended <b>inpatient</b> mental health commitment	State hospitals, private hospitals, Veterans’ Affairs hospitals, etc.	Within 30 days of court order to NICS
	Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)	<b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
b. Commitment to Long-Term Residential Care (Health and Safety Code, Subchapter C, Chapter 593)	Order for commitment signed & filed	Intellectually disabled	State supported living center or ICF-IID component of the Rio Grande Ctr	Within 30 days of court order to NICS
	Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)	<b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
<b>2. Criminal Cases – Adults (17 years or older) or Juveniles (under 17 years of age) Certified as an Adult</b>				
a. Incompetency to Stand Trial (Code of Criminal Procedure, Chapter 46B)	Order of determination of incompetency to stand trial; order extending previously ordered commitment	Found incompetent to stand trial, including mental illness or intellectual disability – released on bail or committed to treatment facility or jail-based competency restoration program	Outpatient or jail-based competency restoration program, mental health facility, or residential care facility	Within 30 days of court order to NICS
b. Acquittal for reasons of insanity or lack of mental responsibility (Code of Criminal Procedure, Chapter 46C)	Final acquittal disposition reflecting insanity or lack of mental responsibility	Insanity or lack of mental responsibility	Regardless of order for inpatient treatment or residential care	Within 30 days of court order to NICS and within 5 days of disposition (to CJIS)
<b>3. Juvenile Cases (Delinquent Conduct or Conduct Indicating a Need for Supervision) – 16 years of age</b>				
a. Unfit to Proceed (Family Code, Chapter 55, Subchapter C or	Court finding or jury verdict regarding unfitness to proceed	Mental illness or intellectual disability	Placed in outpatient program or	Within 30 days of court order

Health and Safety Code, Chapter 574)	due to mental illness or intellectual disability		private inpatient psychiatric facility; commitment to mental health facility; or commitment to residential care facility	to NICS
	Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)	<b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
b. Not Responsible for Conduct (Family Code, Chapter 55, Subchapter D)	Court finding or jury verdict regarding lack of responsibility due to mental illness or intellectual disability	Mental illness or intellectual disability	Regardless of order for inpatient treatment or residential care	Within 30 days of court order to NICS
c. Court-Ordered Mental Health Commitment (Family Code, Chapter 55, Subchapters B, C, or D or Health and Safety Code, Chapter 574)	Order for court-ordered <b>inpatient</b> commitment signed & filed	Court-ordered temporary or extended <b>inpatient</b> mental health commitment	State hospitals, private hospitals, etc.	Within 30 days of court order to NICS
	Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)	<b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
d. Commitment to Long-Term Residential Care (Family Code, Chapter 55, Subchapter C or D or Health and Safety Code, Subchapter C, Chapter 593)	Order for commitment signed & filed	Intellectually disabled	State supported living center or ICF-IID component of the Rio Grande Ctr	Within 30 days of court order to NICS
	Order <b>granting relief</b> from a firearms disability signed (HSC §574.088)	<b>May petition</b> for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
<b>4. Guardianships of an Adult - 18 years of age or older</b>				
Court Appointed Guardian of Incapacitated Adult (Estates Code, Title 3)	Order appointing permanent or temporary guardian signed & filed	Incapacitated adult who lacks mental capacity to manage his/her affairs, requiring guardian of the person, estate, or person and estate	None specified	Within 30 days of court order to NICS
	Order granting relief from firearm disability signed (EC §1202.201)	<b>May petition</b> for relief from firearms disability if guardianship was terminated because the person's capacity was completely restored	N/A	Within 30 days of court order to NICS
<b>5. Reversal of Order by Appellate Court</b>				

Reversal of order	Mandate issued by appellate court	N/A	N/A	Within 30 days of receipt of mandate from appellate court by clerk
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Do Not Report	
1. Guardianship of minors	4. Commitments orders for temporary or extended <b>outpatient</b> mental health services
2. Orders for emergency mental health detentions, admissions, or warrants; order of protective custody (mental health)	5. Applications for court-ordered inpatient mental health services that are transferred to another county to re-file or to hear your original filing
3. Voluntary mental health commitments	6. Court-ordered inpatient chemical dependency or alcohol services
7. Juvenile (Delinquent Conduct or Conduct Indicating a Need for Supervision) cases in which the respondent is under 16 years of age	