

114TH CONGRESS
1ST SESSION

S. 2192

To ensure that States submit all records of individuals who should be prohibited from buying a firearm to the national instant criminal background check system.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2015

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ensure that States submit all records of individuals who should be prohibited from buying a firearm to the national instant criminal background check system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “NICS Reporting Im-
5 provement Act”.

1 **SEC. 2. PENALTIES FOR STATES THAT DO NOT MAKE DATA**
2 **ELECTRONICALLY AVAILABLE TO THE NA-**
3 **TIONAL INSTANT CRIMINAL BACKGROUND**
4 **CHECK.**

5 Section 102(b) of the NICS Improvement Amend-
6 ments Act of 2007 (18 U.S.C. 922 note) is amended to
7 read as follows:

8 “(b) IMPLEMENTATION PLAN.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this subsection, the Attor-
11 ney General, in coordination with the States, shall
12 establish for each State or Indian tribal government,
13 a plan to ensure maximum coordination and auto-
14 mation of the reporting of records or making of
15 records available to the National Instant Criminal
16 Background Check System, during a 4-year period
17 specified in the plan.

18 “(2) BENCHMARK REQUIREMENTS.—Each plan
19 required under paragraph (1) shall include annual
20 benchmarks, including qualitative goals and quan-
21 titative measures, to enable the Attorney General to
22 assess implementation of the plan.

23 “(3) PENALTIES FOR NON-COMPLIANCE.—

24 “(A) IN GENERAL.—During the 4-year pe-
25 riod covered by the plan required under para-

1 graph (1), the Attorney General shall with-
2 hold—

3 “(i) 10 percent of the amount that
4 would otherwise be allocated to a State
5 under section 505 of title I of the Omnibus
6 Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 3755) if the State does
8 not meet the benchmark established pursu-
9 ant to paragraph (2) for the first year in
10 the 4-year period;

11 “(ii) 11 percent of the amount that
12 would otherwise be allocated to a State
13 under section 505 of title I of the Omnibus
14 Crime Control and Safe Streets Act of
15 1968 (42 U.S.C. 3755) if the State does
16 not meet the benchmark established pursu-
17 ant to paragraph (2) for the second year in
18 the 4-year period;

19 “(iii) 13 percent of the amount that
20 would otherwise be allocated to a State
21 under section 505 of title I the Omnibus
22 Crime Control and Safe Streets Act of
23 1968 (42 U.S.C. 3755) if the State does
24 not meet the benchmark established pursu-

1 ant to paragraph (2) for the third year in
2 the 4-year period; and

3 “(iv) 15 percent of the amount that
4 would otherwise be allocated to a State
5 under section 505 of title I of the Omnibus
6 Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 3755) if the State does
8 not meet the benchmark established pursu-
9 ant to paragraph (2) for the fourth year in
10 the 4-year period.

11 “(B) FAILURE TO ESTABLISH A PLAN.—A
12 State with respect to which a plan is not estab-
13 lished under paragraph (1) shall be treated as
14 having not met any benchmark established pur-
15 suant to paragraph (2).

16 “(4) ANNUAL DOJ REPORT.—Not later than 1
17 year after the date of enactment of this subsection,
18 and each year thereafter, the Attorney General shall
19 publish a report on the website of the Department
20 of Justice on whether each State is in compliance
21 with the benchmarks established pursuant to para-
22 graph (2).”.

1 **SEC. 3. GRANTS INCENTIVES TO STATES FOR IMPROVE-**
2 **MENT OF COORDINATION AND AUTOMATION**
3 **OF NICS RECORD REPORTING.**

4 (a) IN GENERAL.—The NICS Improvement Amend-
5 ments Act of 2007 (18 U.S.C. 922 note) is amended—

6 (1) by striking section 103 and inserting the
7 following:

8 **“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
9 **ORDINATION AND AUTOMATION OF NICS**
10 **RECORD REPORTING.**

11 “(a) AUTHORIZATION.—From amounts made avail-
12 able to carry out this section, the Attorney General shall
13 make grants to States, Indian tribal governments, and
14 State court systems, in a manner consistent with the Na-
15 tional Criminal History Improvement Program and con-
16 sistent with State plans for integration, automation, and
17 accessibility of criminal history records, for use by the
18 State, or units of local government of the State, Indian
19 tribal government, or State court system to improve the
20 automation and transmittal of any records that identify
21 persons who are prohibited from possessing or receiving
22 a firearm under section 922(g) of title 18, United States
23 Code, in accordance with section 102 and the National
24 Criminal History Improvement Program.

1 “(b) USE OF GRANT AMOUNTS.—Grants awarded to
2 States, Indian tribal governments, or State court systems
3 under this section may only be used to—

4 “(1) carry out, as necessary, assessments of the
5 capabilities of the courts of the State or Indian trib-
6 al government for the automation and transmission
7 of arrest and conviction records, court orders includ-
8 ing those for domestic violence, and mental health
9 adjudications or commitments to Federal and State
10 record repositories;

11 “(2) implement policies, systems, and proce-
12 dures for the automation and transmission of arrest
13 and conviction records, court orders including those
14 for domestic violence, and mental health adjudica-
15 tions or commitments to Federal and State record
16 repositories;

17 “(3) create electronic systems that provide ac-
18 curate and up-to-date information which is directly
19 related to checks under the National Instant Crimi-
20 nal Background Check System, including court dis-
21 position and corrections records;

22 “(4) assist States or Indian tribal governments
23 in establishing or enhancing their own capacities to
24 perform background checks using the National In-
25 stant Criminal Background Check System; and

1 “(5) develop and maintain the relief from dis-
2 abilities program in accordance with section 105.

3 “(c) ELIGIBILITY.—To be eligible for a grant under
4 this section, a State, Indian tribal government, or State
5 court system shall certify, to the satisfaction of the Attor-
6 ney General, that the State, Indian tribal government, or
7 State court system is not prohibited by State law or court
8 order from submitting mental health records to the Na-
9 tional Instant Criminal Background Check System.

10 “(d) FEDERAL SHARE.—

11 “(1) STUDIES, ASSESSMENTS, NON-MATERIAL
12 ACTIVITIES.—The Federal share of a study, assess-
13 ment, creation of a task force, or other non-material
14 activity, as determined by the Attorney General, car-
15 ried out with a grant under this section shall be not
16 more than 25 percent.

17 “(2) INFRASTRUCTURE OR SYSTEM DEVELOP-
18 MENT.—The Federal share of an activity involving
19 infrastructure or system development, including
20 labor-related costs, for the purpose of improving
21 State or Indian tribal government record reporting
22 to the National Instant Criminal Background Check
23 System carried out with a grant under this section
24 may amount to 100 percent of the cost of the activ-
25 ity.

1 “(e) GRANTS TO INDIAN TRIBES.—Up to 5 percent
2 of the grant funding available under this section may be
3 reserved for Indian tribal governments for use by Indian
4 tribal judicial systems.

5 “(f) PREFERENTIAL CONSIDERATION.—In awarding
6 grants under this section, the Attorney General shall give
7 preferential consideration to a State or Indian tribal gov-
8 ernment that has—

9 “(1) successfully met the benchmarks estab-
10 lished under section 102(b)(2); and

11 “(2) implemented a relief from disabilities pro-
12 gram in accordance with section 105.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$100,000,000 for each of fiscal years 2016 through
16 2020.”;

17 (2) by striking title III; and

18 (3) in section 401(b), by inserting after “of this
19 Act” the following: “and 18 months after the date
20 of enactment of the NICS Reporting Improvement
21 Act”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections in section 1(b) of the NICS Improve-
24 ment Amendments Act of 2007 (18 U.S.C. 922 note) is
25 amended—

1 (1) by striking the item relating to section 103
2 and inserting the following:

 “Sec. 103. Grants to States for improvement of coordination and automation
 of NICS record reporting.”;

3 (2) by striking the item relating to title III; and

4 (3) by striking the item relating to section 301.

5 **SEC. 4. EFFECTIVE DATE.**

6 The amendments made by this Act shall take effect
7 180 days after the date of enactment of this Act.

○