

HANDGUN CONTROL

ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.

FAX COVER SHEET

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PLEASE DELIVER TO: Christa Robinson

ORGANIZATION: _____

Handgun Control, Inc. Federal Legislation Department

⇒ Bob Walker
Director of
Legislation

⇒ Betsy Wheeler
Legislative
Representative

⇒ Marie Carbone
Legislative
Coordinator

FAX NUMBER: 202/371-9615

NOTES/COMMENTS:

Hope this is helpful.

If you have any difficulty receiving this transmission, please call 202/898-0792.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

"A Professional Association for Federal Law Enforcement Officers"

November 2, 1993

Representing Members of the:

Dept. of Agriculture — OIG — Special Agents
US Forest Service — Special Agents
Dept. of Commerce — Office of Export Controls — S A
Office of Inspector General — Special Agents
National Marine & Fisheries Serv. Law Enf. — S A
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INS — Special Agents & Border Patrol
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Parole & Prob. Service — Parole & Prob. Officers
Dept. of Labor — OIG — Special Agents
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B A T F — Special Agents
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Internal Affairs — Special Agents
Internal Revenue Service
Criminal Investigation Division — S A
Inspection Service — Inspectors
US Secret Service — S A & Police
Environmental Protection Agency
Office of Criminal Investigations — Special Agents
Office of Inspector General — Special Agents
General Services Administration
Office of Investigations — Special Agents
National Archives — Criminal Investigators
Nuclear Regulatory Commission — Special Agents
US Capitol Police — Police Officers
US Postal Service — Inspectors & Postal Police
US Printing Office — Special Agents
Veterans Administration — Investigations — S A

Honorable W. G. Hefner
U. S. House of Representatives
2470 Rayburn House Building
Washington, DC 20515

Dear Representative Hefner:

The Federal Law Enforcement Officers Association (FLEOA) has a membership of over 8,000 members and is the largest professional association in the nation exclusively representing federal law enforcement officers and criminal investigators.

FLEOA has been on record in support of the Brady Bill for six years. Passing the Brady Bill and having the President sign it into law is long overdue. The Brady Bill will assist law enforcement officers in their duties and save lives. In states without a waiting period and background check, convicted felons are walking out of gun stores with the tools of their trade, no questions asked. This is unconscionable to the law enforcement officers who put their lives on the line daily to protect the public from the criminal element. The time to pass the Brady Bill is now and WITHOUT WEAKENING AMENDMENTS. The gun lobby has already proposed amendments to the Brady Bill. The following two amendments are the most egregious and must absolutely be defeated.

An gun lobby proposed amendment that should NOT be part of the Brady Bill is law enforcement liability. Law enforcement officers should NOT be liable for damages for mistakenly giving someone a handgun. This amendment is contrary to customary ideas of sovereign immunity for government employees. Background checks are conducted in approximately half of the states and arbitrary denial is not a problem.

Liability would force an officer to approve all questionable sales rather than take a chance of being sued, thus allowing prohibited persons to buy guns. The gun

General Counsel
Kathleen P. Mahon

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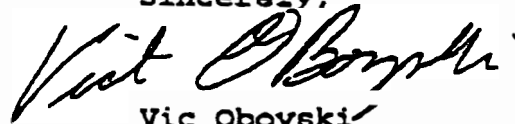
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November 2, 1993

lobby wants to hold law enforcement officers liable for a wrongful denial but no one is liable if a gun is mistakenly approved and the buyer injures or kills another.

Another gun lobby proposed amendment to the Brady Bill is to sunset the waiting period provision after five years and immediately establish a national instant check even if the states' criminal records are not sufficiently up to date to run an effective check. The waiting period should not be superseded by an instant check until the states' criminal records are satisfactorily automated. A premature instant check is a worthless check.

Sincerely,



Vic Oboyski
President
FLEOA



NATIONAL TROOPERS COALITION

112 STATE STREET, SUITE 1212, ALBANY, N.Y. 12207 518-462-7448

JAMES A. RHINEBARGER, CHAIRMAN

CHAIRMAN'S OFFICE
1415 SOUTH SHELBY
INDIANAPOLIS, IN 46203-1946
FAX 317-431-8221
317-436-0929

November 4, 1993

Honorable W. G. Hefner
U. S. House of Representatives
2470 Rayburn House Office Building
Washington, DC 20515

Dear Representative Hefner:

As you know, the Brady Bill is expected to come up for a floor vote very soon. The National Troopers Coalition has been lobbying for the Brady Bill for a long time. The National Troopers Coalition represents 44,000 State Police and Highway Patrol officers in 45 states.

With the large number of violent crimes that occur through the use of handguns, law enforcement and the nation need the Brady Bill. We realize that this bill alone will not stop all the crimes involving a handgun; but I believe it will have a deterrent effect on some people that may seek to purchase a handgun for unlawful acts. When you pass the bill make sure it does not have any weakening amendments that will adversely affect us.

Law enforcement liability SHOULD NOT be a part of the Brady Bill. By common law, public employees are not ordinarily liable for damages in the performance of a discretionary function, such as background checks. Our members, as public servants, should not be singled out for liability if an officer mistakenly denies a handgun transfer.

Again, the Brady Bill will allow us to update our nation's criminal records, provide a cooling off period to prevent crimes of passion and help stop felons from obtaining guns so easily. The National Troopers Coalition asks you to pass the Brady Bill and oppose all weakening amendments, especially liability.

Sincerely,

James A. Rhinebarger
Chairman

JAR/sw



GRAND LODGE FRATERNAL ORDER OF POLICE

520 SOUTH HIGH STREET, SUITE 205 • COLUMBUS, OHIO 43215-5685 • (614) 221-0180 • FAX (614) 221-0815

November 4, 1993

DEWEY R. STOKES
NATIONAL PRESIDENT

Representative W. G. Hefner
U.S. House of Representatives
2470 Rayburn H.O.B.
Washington, DC 20515

Attention: Irene Schecter

Dear Representative Hefner:

The Fraternal Order of Police, a national law enforcement organization representing over 248,000 rank and file police officers, urges your support for the immediate passage of the Brady Handgun Violence Prevention Act, H.R. 1025.

The FOP has long supported the Brady bill and it is now time for action on this common sense legislation. As law enforcement officers, we need the Brady Bill, a national five-working day waiting period and background check before the purchase of a handgun, to help us in our daily battle against crime. We cannot win the war on crime without reducing the ready availability of guns in this nation's streets.

The FOP strongly urges you to vote in favor of the Brady Bill. In addition, we also urge you to vote against any weakening amendments to the Brady Bill.

We are most concerned with an amendment that would make law enforcement liable for money damages if an honest mistake is made during a background check. Law enforcement officers are all too often held as scapegoats when all they are doing is enforcing laws and doing their jobs. Law enforcement is as anxious as anyone else to make this system work properly and is not about to purposely conspire to circumvent the law. This amendment would only set the stage for harassment lawsuits against the police which would in effect tie up an already overburdened judicial system and cost the taxpayers endless dollars in legal fees.

I would be happy to discuss any questions that you may have and thank you for your consideration of our concerns.

Sincerely,

Dewey R. Stokes
Dewey R. Stokes
President



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

750 First Street, N.E., Suite 935 • Washington, D.C. 20002-4241
(202) 842-4420 • (800) 322-NAPO • (202) 842-4396 FAX

November 3, 1993

President
THOMAS J. SCOTTO
President, Detective
Endowment Association
of New York City
New York, NY

Executive Vice President
TONY LOIZZO
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Dade County PBA
Miami, FL

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Coast Chapter, PORAC
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B. D. "BUD" STONE
Past President PORAC
Berkeley, CA

Executive Director
ROBERT T. SCULLY

Legislative Counsel
JULES BERNSTEIN
UNDA UPSETT

Representative W. G. Hefner
U.S. House of Representatives
2470 Rayburn House Building
Washington, DC 20515

Attention: Irene Schecter

Dear Representative Hefner:

The National Association of Police Organizations (NAPO), representing over 140,000 rank and file police officers nationwide, urges immediate passage of the Brady Handgun Violence Prevention Act, H.R. 1025.

NAPO has lobbied to enact the Brady bill for six years now. The time for excuses is over. The police of this nation need the Brady Bill, a national five-working day waiting period and background check before the purchase of a handgun, to help us in our daily work -- work that has grown increasingly more dangerous because the vast proliferation of guns.

NAPO strongly urges you to support the police of this country by voting in favor of the Brady Bill. We also urge you to vote against any weakening amendments to the Brady Bill. We cannot accept anything less than the measures currently outlined in H.R. 1025.

In particular, one amendment that causes us the most concern would make us, the police, liable for money damages if an honest mistake is made while conducting a background check. This would subject our members to perpetual uncertainty over whether a background check was sufficiently "diligent." Damages under this amendment would only extend to cases in which a prospective buyer was denied a gun -- not those in which an official failed to stop an unlawful transfer. This would also serve to encourage police to always err on the side of approving a handgun transfer.

We appreciate your careful consideration of our concerns.

Sincerely,

Robert T. Scully
Executive Director



NATIONAL SHERIFFS' ASSOCIATION

1450 DUKE STREET • ALEXANDRIA, VIRGINIA 22314 • 703-836-7827

CHARLES "BUD" MEEKS
EXECUTIVE DIRECTOR

November 4, 1993

Honorable W. G. Hefner
U.S. House of Representatives
2470 Rayburn House Office Building
Washington, DC 20515

Attention: Irene Schecter

Dear Representative Hefner:

The National Sheriffs' Association, representing our nation's sheriffs with more than 22,000 members, has been on record in support of the Brady bill for several years.

As the full House prepares to vote on H.R. 1025, I urge you to stand with America's sheriffs and support the Brady bill. Too many law enforcement officials and too many Americans are dying from handgun violence. The Brady bill is a reasonable and common sense approach to reduce and prevent handgun violence in America.

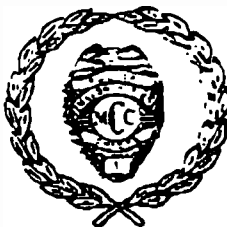
Please support your sheriffs and all law enforcement and vote for the Brady bill. Also, please oppose an amendment that will hold sheriffs and police chiefs liable if we should mistakenly deny a person a handgun.

Your consideration of our support is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bud Meeks".

Charles "Bud" Meeks
Executive Director
National Sheriffs' Association



MAJOR CITIES CHIEFS November 3, 1993

Honorable W. G. Hefner
U. S. House of Representatives
2470 Rayburn House Building
Washington, DC 20515
Attention: Irene Schecter

Dear Representative Hefner:

Violent crime has risen nearly 19% since 1988, says the FBI, even though the overall crime rate dropped slightly in 1992. Many citizens are afraid to walk in their own neighborhoods and children are afraid to go to school. This is not the America we know and love.

The Major Cities Chiefs is an organization representing the chief administrators from the 47 largest cities in this country. The Major Cities Chiefs have supported the Brady Bill since its introduction in 1987. It is beyond reason that the Brady Bill is not law, yet.

It is known that opponents of the Brady Bill are proposing amendments to the Brady Bill to weaken or even kill the bill. The Major Cities Chiefs are asking you to pass the Brady Bill as a strong bill, not as a watered down, ineffective bill.

One of the NRA-backed amendments proposed in committee is liability for officers or agencies conducting the background checks. It is our understanding that if an officer refuses a handgun transfer because of the information the officer possessed and later it is determined the transfer was legal, that the agency, city or even the individual officer may be sued for damages. We believe police officers who are assigned to perform the background checks will conduct the check in a professional manner as ordered. The idea of police liability for the Brady Bill is unnecessary, mean spirited, and not in the best interest of law enforcement.

We encourage you to pass the Brady Bill without liability.

Sincerely,

Patrick Fitzsimons
Chairman

Phoenix, Arizona
Los Angeles, California
Los Angeles County, California
San Diego, California
San Francisco, California
San Jose, California
Denver, Colorado
Jacksonville, Florida
Metro-Dade, Miami, Florida
Atlanta, Georgia
Honolulu, Hawaii

Chicago, Illinois
Indianapolis, Indiana
New Orleans, Louisiana
Baltimore, Maryland
Baltimore Co., Maryland
Boston, Massachusetts
Detroit, Michigan
Minneapolis, Minnesota
Kansas City, Missouri
St. Louis, Missouri
Las Vegas, Nevada
Newark, New Jersey
Buffalo, New York
Nassau Co., New York
New York City, New York
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Philadelphia, Pennsylvania
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Memphis, Tennessee
Nashville Metro, Tennessee
Austin, Texas
Dallas, Texas
Fort Worth, Texas
Houston, Texas
San Antonio, Texas
Salt Lake City, Utah
Washington, D.C.
Seattle, Washington
Milwaukee, Wisconsin

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Vancouver, Canada
Toronto, Canada
Vancouver, Canada
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NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES

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JOHN S. PRITCHARD, III
First Deputy Commissioner
New York P.D., NY

Immediate Past President
PERRY L. ANDERSON, JR.
Commissioner
Cambridge, MA P.D.

National Vice President
ROBERT T. BELL, JR.
Assistant Director
Office of Inspection
U.S. Secret Service, Washington, DC

4 November 1993

The Honorable W. G. Hefner
U. S. House of Representatives
2470 Rayburn H.O.B.
Washington, DC 20515

JOSEPH M. WRIGHT, J.D.
Executive Director
IRA HARRIS
Associate Director

Dear Representative Hefner:

The National Organization of Black Law Enforcement Executives (NOBLE) is a national organization made up of over three thousand executive level law enforcement officials. As a voice of the African-American community, we strongly urge passage of the Brady Handgun Violence Prevention Act, H.R. 1025, known as the Brady bill. The Brady bill requires a national five working-day waiting period and background check on all prospective handgun buyers.

Gun violence in America is reaching epidemic proportions and our minority communities are the hardest hit. Some facts: the leading cause of death among black males between the ages of 15 and 34 is firearm homicide; 1 in every 28 black males born today is likely to be murdered; nearly half (48%) of all black teenage males who died in 1988 were killed with guns; firearm homicide among black males aged 15 to 19 has increased 125% since 1984.

For these reasons, NOBLE strongly urges you to vote in favor of the Brady bill, and just as importantly, to oppose all weakening amendments to the bill. Two amendments of special concern to us are police liability and a sunset of the waiting period. The police liability amendment will make law enforcement officials liable for damages in instances where a prospective buyer was mistakenly denied a gun. This amendment will encourage law enforcement to err on the side of approving firearms sales, thus resulting in more felons obtaining handguns. The sunset provision will abolish the waiting period after sixty months without regard to the readiness of a national instant check system. In effect, this amendment will repeal the Brady bill.

Thank you for your consideration of our concerns.

Sincerely,

Joseph M. Wright, J.D.
Joseph M. Wright, J.D.
Executive Director

Treasurer
JOSEPH R. LEAKE
Assistant Chief
New York P.D., NY

Recording Secretary
DEBORAH L. MONTGOMERY
Assistant Commissioner
Minnesota Dept. of Public Safety

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GENE A. CROSBY
Supervisory Special Agent
U.S. Drug Enforcement, Arlington, VA

Parliamentarian
DAVID E. GIBSON
Assistant Deputy Director (Ret.)
Pennsylvania Attorney General's Office, PA

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Chief of Investigators
Essex County Prosecutor's Office, NJ

Region 2 Vice President
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Executive Officer
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Sheriff
Fulton County Sheriff's Office, Atlanta, GA

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Chief (Retired)
Chicago, IL P.D.

Region 5 Vice President
JOHN P. SUTTON
Special Agent-in-Charge
U.S. Drug Enforcement, St. Louis, MO

Region 6 Vice President
OLIVER M. THOMPSON
Chief of Police
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Regional Assistant to the President
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U.S. Secret Service, Washington, DC

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Revised 10/93

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CHUCK WEXLER
EXECUTIVE DIRECTOR

November 4, 1993

Representative W. G. Hefner
U.S. House of Representatives
2470 Rayburn H.O.B.
Washington, DC 20515

Dear Representative Hefner:

The Police Executive Research Forum, representing progressive police professionals from the nation's largest jurisdictions, has long been supportive of the Brady Bill, H.R. 1025. As law enforcement chief executives, PERF members are all too familiar with the widespread violence and carnage resulting from the illegal use of handguns.

In 1991, alone there were over 24,000 handgun-related deaths. Clearly, gun violence in this country has reached epidemic proportions. PERF members know we need new measures to keep our citizens and police officers safe. The Brady Bill is the first step in securing that safety and a better quality of life for all our communities.

The law enforcement executives who comprise PERF strongly urge you to vote for the Brady Bill, and oppose all weakening amendments to the bill. Specifically, PERF members strongly oppose any attempts to make law enforcement and other public officials liable for erroneously preventing the sale of a handgun. This amendment would encourage officials to allow questionable handgun purchases, which would seriously undermine the design of the Brady Bill. Moreover, in the states that currently have a waiting period on handgun purchases, there is no evidence to suggest that police do, or would, abuse their discretionary powers by capriciously denying the sale of a handgun. A vote for the liability amendment is a vote against police, and a vote against the Brady Bill.

If I can be of any assistance on this or any other matter, do not hesitate to contact me. Thank you for your consideration.

Sincerely,


Chuck Wexler
Executive Director



November 3, 1993

Representative W. G. Hefner
U.S. House of Representatives
2470 Rayburn H.O.B.
Washington, DC 20515

Dear Representative Hefner:

William M. Webster
Chairman of the Board

Hubert Williams
President

Since the Brady Bill was first introduced in 1987, 150,000 lives have been lost to gun violence in this country. That's 65 men, women and children every day.

As tragic as these figures are, they are not the whole story. Scratch the surface of these statistics and we find beneath a culture in which one in twenty high school students in a given month carries a gun to school. Whether these weapons are carried to intimidate or defend, the result is that our nation's youth are spending their teenage years in an environment that breeds violence. Gunshot wounds are the leading cause of death for both black and white teenage boys in America.

But they are not the only ones who suffer. There are other victims -- victims of random drive-by shootings, of vicious assaults, of stray bullets from turf battles. There are also the family and friends of the victims who must pick up the pieces after the shooting stops.

We, at the Police Foundation, know that getting guns off the streets and out of our schoolyards is not the only answer to this cultural nightmare, but it must be one of the first. The foundation is a nonprofit research and technical assistance group that has studied police and criminal behavior for nearly 25 years. We know that guns are a shortcut to power, wealth and manhood for many. We know that as a society we must make that shortcut harder and harder to take. We know if we take no action, we do so at our own peril.

The Brady Bill, a common sense, straightforward piece of legislation, has been held political hostage much too long. It does not in any way undercut the rights of those legitimately entitled to own a gun. The Police Foundation unequivocally supports H.R. 1025 and opposes any amendments to this bill. It should remain intact and make its way to President Clinton's desk in the speediest manner possible.

Sincerely,


Hubert Williams
President

THE RECORD ON FIGHTING CRIME:

WHY DID BOB DOLE VOTE FOR FEWER POLICE FOR RICHMOND & VIRGINIA?

President Clinton's COPS program -- enacted as part of the 1994 Crime Bill -- is putting 100,000 new police officers on the streets, including 719 new community police officers in Virginia and 38 in Richmond. Dole voted against putting 38 new officers on the streets of Richmond when he voted against the 1994 Crime Bill.

1. Police:

Should There Be More Neighborhood Police Or Fewer?

President Clinton Says More. The 1994 Clinton Crime Bill gave grants to law enforcement agencies to put 100,000 new community police officers on the nation's streets. Thus far, 43,000 new police officers have been funded and 17,000 new police officers are on the streets. Since the enactment of the Crime Bill, Richmond has been awarded \$4.36 million under President Clinton's COPS program in order to hire or redeploy 38 police officers for community policing. The state of Virginia has been awarded \$43.2 million to hire or redeploy 719 officers for community policing. [Washington Post, 5/19/96; Department of Justice, 7/9/96]

Senator Dole Says Fewer. Dole led a GOP filibuster of the 1994 Crime Bill and voted against the bill which gave grants to law enforcement agencies to put 100,000 new police officers on the streets. When asked if he had the votes to block the bill, Dole said, "I hope I have, I think I have..." Dole's filibuster failed and the crime bill passed 61-38 (R 7-36; D 54-2). [Reuters, 8/24/94; 1994 CQ Almanac, p. 50-S, Vote # 293-295]

On December 7, 1995, Dole voted for the Commerce, Justice, State Appropriations conference report -- eliminating President Clinton's 100,000 new COPS on the street program in favor of a block grant which wouldn't guarantee a single new police officer. [Congressional Record, 12/7/95, Vote # 591, CQ, 12/9/95]

2. Handguns:

Should It Be Tougher For Felons To Get Guns Or Easier?

President Clinton Says Tougher. In 1993 President Clinton signed the Brady Bill -- a five-day waiting period for handgun purchases to allow for background checks. The Brady Law is keeping handguns out of the hands of felons. In 1995, 60,613 people were denied access to a handgun as a result of background checks. Of those, 43,217 were denied because they were convicted felons. [BATF, 1/18/96; 1993 CQ Almanac, p. 300]

Senator Dole Says Easier. In 1993 Dole led Republican opposition to the Brady Bill and voted against final passage of the bill, saying, "We lost one." The measure passed 63-36 (R 16-28; D 47-8). [1993 CQ Almanac, p. 302; p. 50-S, 51-S, Votes # 387, 390, 394; Houston Chronicle, 11/25/93]

3. Assault Weapons:

Should There Be Fewer Deadly Assault Weapons Or More?

President Clinton Says Fewer. The 1994 Clinton Crime Bill also banned 19 kinds of semi-automatic assault weapons. This ban is reducing crimes committed with assault weapons. According to the Bureau of Alcohol Tobacco and Firearms, the number of assault weapons traced to crimes fell in the first 8 months of 1995 by 18.4%. [1994 CQ Almanac, p. 290-291; Handgun Control, Assault Weapons Ban Q&A, 2/96]

Senator Dole Says More. In 1993 Dole tried and failed to remove the assault weapons ban from the Crime Bill and then voted against the assault weapons ban which passed 56-43. In March 1995, Dole wrote a letter to the extremist Washington gun lobby -- the NRA -- which said, "Repealing the ill-conceived gun ban... is one of my legislative priorities... I voted against the gun ban in 1994, and I will vote to repeal it in 1995..." [1993 CQ Almanac, p. 47-S, 48-S, Votes # 365, # 375; Dole letter, 3/10/95]



Department of Justice

FOR IMMEDIATE RELEASE
WEDNESDAY, FEBRUARY 28, 1996

AG
(202) 616-2777
TDD (202) 514-1888

ON SECOND ANNIVERSARY, RUBIN AND RENO HAIL BRADY ACT'S SUCCESS IN LIMITING ILLEGAL HANDGUN SALES AND FIGHTING CRIME

More than 60,000 Felons, Fugitives and Other Prohibited Purchasers Stopped

WASHINGTON, D.C. -- Two years after the Brady Act took effect, Attorney General Janet Reno and Treasury Secretary Robert Rubin said that it is working the way it should and warned against any efforts to repeal it.

The Treasury Department estimates that the Act has stopped more than 60,000 felons, fugitives and other prohibited purchasers from buying handguns over the counter in the last two years.

The Act and other crime-fighting measures, say Reno and Rubin, helped reduce national crime violent crime rates by 4 percent in 1994, and another 5 percent in the first half of 1995. Firearms were used in 6 percent fewer assaults in 1994 than in 1993.

When President Clinton signed the Act into law in November 1993, the Brady Act - named for Jim Brady, the former press secretary to President Ronald Reagan who was seriously injured in a 1981 assassination attempt -- established up to a five-business day waiting period for handgun purchases, affording local law enforcement authorities a chance to determine if the sale is prohibited by law.

"Each month the Brady Act is preventing nearly 2,500 criminals from buying guns while permitting law-abiding citizens to do so," said Rubin. "Gun dealers and their customers have now had time to adjust to the simple Brady background form as a necessary means of denying guns to criminally dangerous individuals."

Reno added, "Brady Act checks are also helping local police identify and arrest gun-buying criminals, often on other serious charges. The Brady checks have helped law enforcement arrest murderers, drug dealers, fugitives, wife-beaters and other criminals."

(MORE)

Brady Act Success

Just this month, for example, a Brady check helped the Wichita County Sheriff stop a handgun sale to a man who had battered and threatened to kill his ex-wife and children. He was under a restraining order.

Another Brady check in October 1995 helped ATF agents apprehend a convicted murderer as he tried to buy three handguns in Dekalb County, Georgia. Before the Brady Act, he had purchased at least 8 other guns without being challenged. He has since been convicted of violating federal firearms laws and awaits a prison sentence of up to ten years.

And last April, a Brady check helped ATF agents and local police apprehend a convicted heroin dealer and fugitive as he attempted to buy a handgun in Blair County, Pennsylvania. Prior to Brady, he had bought at least seven other guns without challenge and traded them to support his crack addiction. He is now serving two years in prison on various charges.

Leading law enforcement officials also expressed their support for the Act.

"It is clear, on this second anniversary of the Brady Act, that the waiting period has prevented thousands of criminals from obtaining firearms, and has saved lives," said Gilbert G. Gallegos, National President of the Fraternal Order of Police (FOP). "Members of the FOP continue to be impressed with the cooperation between the ATF and local law enforcement in implementing the Brady Act."

International Association of Chiefs of Police President (IACP) David Walchak noted, "The IACP strongly pushed for Congress to pass legislation to allow for a five-day waiting period to conduct thorough background checks on all prospective handgun purchasers. The IACP continues to strongly support the Brady Act."

Reno also pointed to the Act's other benefits. "The Brady Act has been a catalyst for improvements in automating the nation's criminal history records, helping us prepare for twenty-first century crime fighting," she said. "In the last two years, the Justice Department has made more than \$130 million available to states and worked with localities to help them automate their criminal history records -- improvements that will also help track sex offenders, domestic abusers and child molesters, and help child-care facilities and nursing homes screen potential employees."

(MORE)

How It Works

Federal law prohibits possession of a handgun by a variety of persons: convicted felons, fugitives from justice, persons under indictment, persons subject to restraining orders for alleged domestic violence, illegal drug users, persons who have been adjudicated "mentally defective" or committed to mental institutions, persons who have renounced U.S. citizenship, persons dishonorably discharged from the military, illegal aliens and generally, persons under 18.

The Brady Act requires prospective purchasers to complete a form that is forwarded to the chief law enforcement officer where the buyer resides. Law enforcement has five business days to check an applicant's record and advise the gun dealer as to whether or not the purchase is legal. However, a legal purchaser need not wait five days if law enforcement approves the purchase sooner. If the dealer receives no answer in five days, the sale can go forward.

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96-074

**Number of Denials of Handgun Purchases Based on Brady Checks
Study by the Center to Prevent Handgun Violence**

Q. The Center to Prevent Handgun Violence (the Center) has issued a report saying that an estimated **102,822 prohibited purchasers**, including **72,325 felons** -- or 85 felons a day, have been stopped from taking possession of a handgun since the Brady law's inception on February 28, 1994. Secretary Rubin and Attorney General Reno stated in February that the Brady law has stopped "**more than 60,000 felons, fugitive and other prohibited purchasers** from buying handguns over the counter during the past two years," and the President stated in the State of the Union that **44,000 convicted felons had been prevented from purchasing handguns**. Who is right?

A. We welcome the Center to Prevent Handgun Violence study. The Center has added another set of estimates to the several that have been conducted over the past couple of years, by the government and private organizations. Each of the studies uses slightly different methodologies, but they are all within range of each other.

While the Center's results are different than the Treasury Department's report based on an ATF survey, they are not necessarily inconsistent, for several reasons:

-- the Center is estimating the number of denials over a **longer time period** (2/28/94 - 6/30/96) than the ATF survey (2/28/94 - 2/28/96).

-- the Center is evaluating the impact of the Brady law on **32 states, rather than approximately 26 states**, as was done by ATF survey. The Center includes all the original Brady states, whereas ATF excluded for each year states that had come into compliance with Brady through alternative means that year.

-- the Center is basing its estimates of Brady state denial rates on a **survey of different Brady jurisdictions** than those surveyed by ATF.

-- ATF based its estimates of denials on what the Center calls "**exceedingly conservative**" denial rates, 2.5% for the first year, and 1.5% for the second year, anticipating that knowledge of the law would result in decreased attempted purchases, as it had in non-Brady states. The Center found that this anticipated drop in denial rates has not yet materialized. In the jurisdictions it surveyed, there was a slight drop in 1995, but there was an increase in the denial rate in the first sixth months of 1996. The Center states that more research needs to be conducted, and we agree. This research, as the Center points out, is underway by the Department of Justice's Bureau of Justice Statistics.

The Center to Prevent Handgun Violence's study confirms what the Treasury report demonstrated: the Brady law is doing what it is supposed to do -- stopping criminals by the tens of thousands from easy access to handguns.

ate: 08/24/96 Time: 15:37
buying Handguns -- Including 85 Felons Per Day

To: National Desk

Contact: Bob Walker or Wendy Adler of the Center to Prevent Handgun Violence, 202-289-7319, or
on Sunday Walker can be paged at 1-800-465-0332

ADVANCE for release at 11:59 p.m. Sunday, Aug. 25:

/ADVANCE/ WASHINGTON, Aug. 25 /U.S. Newswire/ -- A new study released today by the Center to Prevent Handgun Violence (CPHV) shows that, since implementation of the Brady Law, an estimated 12,822 criminals and other prohibited purchasers -- including 1,325 felons, or 85 felons per day -- have been stopped from buying a handgun. The Brady Handgun Violence Prevention Act (Brady Law) requires a five-day waiting period and background check before completion of the sale of a handgun.

"The Brady Law has worked to keep handguns out of the hands of 12,822 criminals and other prohibited purchasers," said Sarah Brady, chair of CPHV, and who worked hard to pass the Brady bill. Her husband, former presidential press secretary James S. Brady, was seriously wounded during an assassination attempt on President Ronald Reagan.

The study quantifies the impact of Brady in the 32 states which had to begin complying with the law when it was implemented on Feb. 28, 1994. The study estimates the number of retail handgun purchase attempts which have been stopped because the background check revealed the prospective purchaser to be ineligible by law (i.e., convicted felon, individuals adjudicated mentally defective or subject to a restraining order).

"Previous studies underestimated the impact of Brady's effectiveness by not including those states which have established their own background check since the Brady Law was enacted," said James S. Brady.

Examples of the Brady Law's effectiveness can be shown in the following anecdotes collected during the research:

-- In 1995, the Kentucky State Police denied 323 individuals under domestic violence restraining orders from purchasing a handgun.

-- In 1994, the Brady Law stopped a handgun sale to a Colorado man who had been convicted for sexually assaulting his daughter and battering his wife.

-- In April 1995, a Brady background check helped Bureau of Alcohol, Tobacco and Firearms (ATF) agents and local police apprehend a convicted heroin dealer and fugitive as he attempted to buy a handgun in Blair County, Pa. Prior to the enactment of the Brady Law, he had bought at least seven other guns without challenge and traded them to support his crack addiction. He is now serving two years in prison on various charges.

-- In Utah, an individual trying to purchase a handgun from a pawn dealer was arrested by the Salt Lake City Police Department on a felony warrant held by the state of Colorado for aggravated sexual abuse of a child. The pawn dealer stalled the individual until the police arrived.

-- When he applied to buy a handgun, a New Orleans man was arrested in 1995 for falsifying his application, reporting that he was not a fugitive from justice and was not under indictment. A Brady background check revealed two felony arrest warrants for him from the state of Texas. The man was arrested and later indicted on three counts.

-- In 1996, the Brady Law stopped a handgun sale in Colorado to a man who was wanted for armed robbery in the state of Washington.

he to the Brady background check he was arrested in Colorado and
stradited back to Washington state.

``Jim and I are gratified that the law we worked so hard to pass
helping to catch criminals and put them behind bars,'' said Mrs.
Brady. ``But, most importantly, the background checks are working
keep handguns out of the hands of fugitives, thieves, wife
beaters, drug addicts, gun traffickers, stalkers, kidnappers, child
abusers and convicted murderers.''

``The background check and waiting period of the Brady Law are
working well,'' added Mrs. Brady. ``Any attempt to move up the
implementation of the 'instant check' provision -- and eliminate
the waiting period -- before all states' criminal records are
adequately computerized would undermine the effectiveness of the
Brady Law.''

Under the Brady Law, there is no national, centralized reporting
of ``denials'' made by state and local law enforcement officials,
but this study examined nine of the original 32 Brady states where
state level statistics were available. Data from the nine states
were used to estimate the percentage of all retail gun sales that
were stopped in the original Brady states. The nine states from
which the data were collected are: Arizona, Arkansas, Colorado,
Idaho, Kentucky, Nevada, South Carolina, Utah and West Virginia.
Through the end of June 1996, these states were responsible for
approximately 27 percent of all handgun background checks initiated
in the original Brady states.

Editors: The study is available from CPHV by calling
202-289-7319, or by paging Walker at 800-465-0332.

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/U.S. Newswire 202-347-2770/
NP-08-24-96 1546EDT

**Number of Denials of Handgun Purchases Based on Brady Checks
Study by the Center to Prevent Handgun Violence**

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The Center to Prevent Handgun Violence's study confirms what the Treasury report demonstrated: the Brady law is doing what it is supposed to do -- stopping criminals by the tens of thousands from easy access to handguns.

Date: 08/25/96 Time: 19:16

HAnti-Handgun Group Says Brady Law Keeps Guns From Criminals

WASHINGTON (AP) Handguns were kept out of the hands of 102,822 people the past two years because of the Brady law, which requires a five-day waiting period and background check before a sale, a handgun control group says.

Previous studies have underestimated the impact of the law because they did not include states that set up their own background check since the law was enacted, says Sarah Brady, the chairwoman of the group who is expected to address the Democratic National Convention Monday.

The Brady Handgun Violence Prevention Act, implemented in February 1994, was named after her husband, James Brady, President Reagan's press secretary who was seriously wounded in an assassination attempt on the president.

The study estimates the number of retail handgun purchase attempts that have been stopped because the background check revealed that the prospective buyer is a convicted felon, found by a court to be mentally defective or subject to a restraining order.

When the law took effect, 32 states had not passed legislation requiring a background check and had to institute a waiting period. In estimating the number of denials for all 32 states, the study uses results from nine of the states that have statewide reporting systems.

In February, Clinton released a Bureau of Alcohol, Tobacco and Firearms study of 30 law enforcement agencies that reported that more than 15,500 people were denied guns under the Brady law between March 1994 and January 1995, or 3.5 percent of the people who applied.

Extrapolating the figures from its unscientific study, the administration argues that some 40,000 applications were turned away nationwide.

``What the (new study) results show very clearly is that the denial rate is staying very constant at 3 percent,'' Bob Walker, a spokesman for the handgun control group. ``Having more than 100,000 denials is a very significant number.''

APNP-08-25-96 1925EDT

NRA-ILA FAX ALERT

11250 Waples Mill Road * Fairfax, VA 22030
Phone: 1-800-392-8683 * Fax: 703-267-3918 * GROOTS@NRA.org

Vol. 3, No. 34

8/16/96

REPUBLICANS MAKE DOLE/KEMP TICKET OFFICIAL

Republicans from across the country met this week in San Diego, California to make official what we all have known for the past several months: that former Kansas Senator Bob Dole is the party's nominee for President of the United States. And after months of speculation, Republican presidential nominee Bob Dole tapped former Secretary of the Department of Housing and Urban Development and nine-term Congressman Jack Kemp as his running mate. As a Congressman, Jack Kemp had a 100% voting record on Second Amendment issues that stretched back 18 years. He cast votes in favor of the 1986 Firearms Owners' Protection Act and against the Brady Bill in 1988. He has spoken at two NRA Annual Meetings. And he is strongly disliked by Handgun Control, Inc. In a recent statement, HCI called the candidate "an enormous disappointment ... an avowed supporter and member of the [NRA]." HCI also complained that Kemp "made public statements about being 'proud to be called a friend, an ally and, most important, a fellow-member of the NRA.'" Kemp made those statements at the Members' Banquet of the 1987 Annual Meetings & Exhibits of the NRA. In 1993, Kemp made a misstatement on a national news show regarding semiautomatic firearms. In a meeting with NRA Executive Vice President Wayne LaPierre soon after the TV program, Kemp clarified his position on semiautos. Clarification is again in order. In light of recent statements by Senator Dole that he would "probably veto" a repeal of the Clinton Gun Ban, a clear Dole-Kemp position on this pressing Second Amendment issue is appropriate -- and remains the unfinished business of the GOP presidential campaign. We'll keep you posted!

NEW "RIGHT TO CARRY" STUDY HAS ANTI-GUNNERS RUNNING SCARED: The results of a landmark study released last week of "right to carry" laws have the anti-gunners running for political cover. In recent days, the author of the study, University of Chicago School of Law Professor John Lott, has become the target of a vicious smear campaign by members of the anti-gun establishment aimed at discrediting his research. At the heart of their criticism is the fact that Lott is currently the John M. Olin Fellow at the University of Chicago Law School, a fellowship funded by the John M. Olin Foundation, which got its money from the Olin Corporation. The Olin Corp. happens to own Winchester Ammunition, and that alone is enough "to call into question the study's legitimacy," according to the Illinois Council Against Handgun Violence. However, writer Stephen Chapman points out in his commentary in the Chicago Tribune, there are many serious flaws in that reasoning. For instance, the Olin Foundation was created with money from John Olin's personal wealth, not by the Olin Corp., and has no corporate parent. Furthermore, the foundation played no role in choosing Lott for the fellowship, did not give Lott any money, and did not approve his topic.

NEW POLL SHOWS STRONG SUPPORT FOR "RIGHT TO CARRY": The findings of the Lott study are backed up by the results of a poll released this week by the Tarrance Group. The study showed that by a wide margin, Americans believe that law-abiding citizens should be able to carry a firearm for self-defense should they choose to do so. The poll showed that 59% of voters support the right of the law-abiding to obtain permits to carry concealed firearms, compared to only 36% who don't. The survey also revealed that 84% of American voters believe that

individual criminals alone should be held responsible for their actions, while only 5% believe that firearms manufacturers and dealers should be held accountable.

GROUNDBREAKING STUDY AVAILABLE ON INTERNET: Professor Lott's study of "right to carry" laws and their effect on crime -- Crime, Deterrence, and Right-to-Carry Concealed Handguns (see Fax Alert No. 33) -- can now be downloaded via the Internet at <http://law.lib.uchicago.edu/faculty/lott/guns.html>. Lott's research goes a long way towards explaining why so many Americans support "right to carry," and why many lawmakers previously opposed to these laws are now reconsidering their positions.

STATE UPDATE: Colorado: Sportsmens' organizations and other affected groups have joined together in an effort to defeat the "Prohibited Taking of Wildlife" initiative which will appear on the November 5 ballot. This measure bans the trapping of furbearers in Colorado and strictly limits the ability of wildlife professionals, ranchers, farmers and other citizens to protect their livestock, crops and families from predators, pests and diseased animals. If this initiative is successful, it will bring the animal extremists one step closer to their ultimate goal -- banning hunting in Colorado. Members: To help defeat this initiative, please contact Sandy Sneider with the Woolgrower's Association at (303) 431-8310.

Washington: Washingtonians For Wildlife Conservation (WFWC) needs your help to ensure the sound defeat of Initiative 655, which bans the use of bait to hunt black bears and the use of dogs for hunting bear and cougar. Should the animal extremist groups succeed in passing this anti-hunting measure, it could signal the end of outdoor sporting in the state as we know it. Members: To join the fight against Initiative 655, call Jon Akers with WFWC at (206) 767-9319.

ATTENTION TAMPA, FLORIDA: The NRA Member Council of Tampa Bay will host a Bill of Rights rally on Sunday, September 1, 1996, at the Johnson Pavilion, Coachman Park in Clearwater. The rally will kick-off at 11 a.m. and continue to 3 p.m. For more information, or to volunteer to help, call Charlie Mealy at (813) 441-4251 or fax him at (813) 444-4452.

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This information is provided as a service of the National Rifle Association Institute for Legislative Action, Fairfax, VA.

This and other information on the Second Amendment and the NRA is available at: <http://WWW.NRA.Org>

To: BRUCE
REED (WHITE
HOUSE
STAFF)

From: DENNIS
BURKE

tr

614-~~775-6593~~

436-1208

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

01-Mar-1996 09:33am

TO: (See Below)

FROM: Mark J. Schwartz
 Office of Mgmt and Budget, HTF

SUBJECT: Number of purchases stopped by Brady Bill

In the draft of Chapter 11, page 2 the sentence now reads: "To date, the 1993 Brady bill that provides for a waiting period before a gun purchase already has stopped 44,000 people with criminal records from buying guns."

Treasury issued a press release on Wednesday stating that "more than 60,000 felons, fugitives and others" have been denied handguns due to Brady.

According to ATF this is how the numbers should be reconciled:

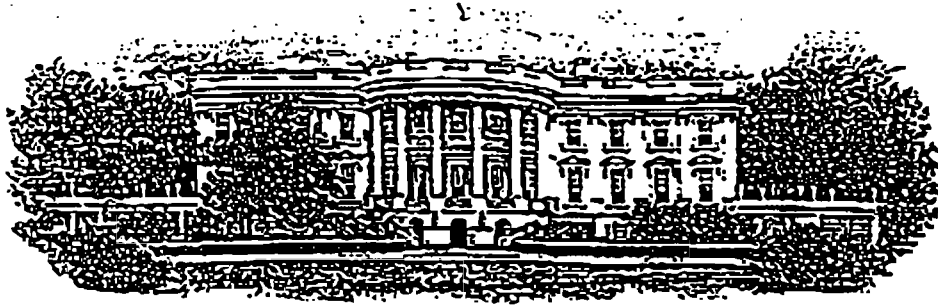
TO DATE: 44,000 FELONS have been denied the opportunity to purchase. The total of felons and other people prohibited from purchasing handguns is 60,000. The additional 16,000 includes a number of people (e.g. "mental defectives") who while not felons, are not allowed to purchase handguns.

Accordingly, I think the draft of Chapter 11, page 2 should read: "To date, the 1993 Brady bill that provides for a waiting period before a gun purchase already has stopped 60,000 people who are prohibited purchasers from buying handguns."

Distribution:

TO: LAWRENCE J. HAAS
TO: Robert E. Litan
TO: Karin L. Kizer

CC: Dennis Burke
CC: Alan B. Rhinesmith
CC: Harry G. Meyers
CC: David J. Haun
CC: Kenneth L. Schwartz



FAX COVER SHEET

White House Press Office

Date: _____ Number of Pages (w/cover) _____

To: Dennis / Christa

From: Michelle

FAX Number: 67028 / 66218

Comments: _____

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Court to hear Brady Act challenge
By MICHAEL KIRKLAND=

Rahm -
#41 - ME

6/10/98

WASHINGTON, June 17 (UPI) In what could prove to be a pivotal case involving gun control, the Supreme Court agreed Monday to hear argument from two sheriffs in Montana and Arizona who are challenging the constitutionality of the Brady Act.

The Clinton administration says the act has been an unqualified success more than 60,000 handgun sales to felons, fugitives and others were blocked as of last February in its first two years in effect.

FBI figures had also showed a corresponding decrease, about 6 percent, in the number of crimes involving firearms.

But backed by the National Rifle Association, the sheriffs contend the act illegally requires them, as state officials, to enforce the federal law by researching the backgrounds of those who try to buy handguns.

The Clinton administration, which is seeking a definitive ruling from the Supreme Court upholding the Brady Act, asked the justices to hear argument in the Montana case but put the Arizona case on hold until they had handed down a Montana decision.

But the justices agreed to hear both challenges in combined argument, which probably will be scheduled next year.

The Brady Handgun Violence Prevention Act named for Jim Brady, the Reagan presidential spokesman handicapped by an assassination attempt on Reagan in 1981 was passed by the Democratic-controlled Congress in 1993 and signed into law by President Clinton.

Under the law, a person trying to purchase a handgun does not receive the weapon immediately unless a state has a computerized, instant background-check system in place.

Many states now have the instant background checks, but Montana and Arizona are among those that do not.

In the absence of such an instant check, the purchase is put on hold until the jurisdiction's "chief law enforcement officer" (the sheriff or police chief) makes a "reasonable effort" to find out if the buyer has a criminal record or a history of mental illness.

The NRA has opposed the law from the beginning, and at one time supported six challenges in federal courts across the country.

One of those challenges was brought by Sheriff/Coroner Jay Printz of Ravalli, Mont.

In a brief filed with the court, Printz said he has an undersheriff, four detectives, a lieutenant, a patrol sergeant and seven deputies to patrol a county of 2,400 square miles and 30,000 people.

"Urgent responses and investigations make it difficult to conduct routine patrol," the brief said.

"If I am now compelled to perform background checks of our residents, it will have to be done by pulling deputies off patrol and investigative duties," Printz said in an affidavit filed with the lower courts.

Printz filed suit against the Brady Act in U.S. District Court in Missoula, Mont., and U.S. Judge Charles Lovell declared the law unconstitutional. However, the judge eventually limited his ruling to Montana at the request of the Justice Department.

Both sides then appealed Lovell's ruling to the 9th U.S. Circuit Court of Appeals, where it was combined with the case of the Arizona sheriff.

Sheriff Richard Mack of Graham County, Ariz., filed suit against the act shortly after it was enacted in 1993, saying it violated the 10th Amendment, which leaves with the states all power not specifically granted the federal government in the Constitution.

Graham County has a population of 28,000 and 35 gun dealers.

Mack said in the first three months in which the Brady Act was in effect he "processed over 80 purchase forms, of which exactly one proved questionable."

At trial, U.S. Judge John Roll ruled for the sheriff, declaring

unconstitutional any federal burden placed upon state officials by the Brady Act.

Both Roll and Lovell were reversed at the appellate level.

A split panel of the 9th U.S. Circuit Court of Appeals said the law was valid under the commerce clause of the Constitution, which gives Congress the authority to regulate interstate commerce.

Printz and Mack asked the Supreme Court separately to review their cases.

"The 9th Circuit decision, in sum, extends the commerce clause to the point where it abrogates the core principles of federalism itself," Mack's brief to the Supreme Court said.

(No. 95-1478, Printz vs. USA; No. 95-1503, Mack vs. USA)

**** filed by:UPI-(us) on 06/17/96 at 11:47EDT ****

**** printed by:WHPR(JGER) on 06/17/96 at 11:56EDT ****



DATE: 6-18-96
PAGE: 4-A

High court enters political fray over Brady gun law

Sheriffs say they're forced into federal role

By Tony Mauro
USA TODAY

The Supreme Court on Monday agreed to decide whether the so-called Brady law makes unconstitutional demands on local sheriffs by forcing them to make background checks on prospective gun buyers.

The dispute gives the justices another chance to refine the relationship between the states and the federal government. The court has been increasingly skeptical of federal laws that place demands on local officials or invade state turf.

The federal law regulating handguns, which took effect in 1994, is named after James Brady, the White House spokesman who was wounded in the assassination attempt on Ronald Reagan in 1981.

It requires a five-day waiting period for anyone purchasing a handgun, a requirement that is not at issue in the cases before the court.

Sheriffs across the country chal-

lenged a temporary provision of the law that requires them to make "reasonable" background checks on gun buyers, at least until 1998, when a new federal computer system is to be in place to make instant checks. Checks are aimed at determining if the buyer is a convicted felon or is otherwise not entitled to own a gun.

"I am not employed by the federal government, and they will not commandeer my office," says Richard Mack, sheriff of Graham County, Ariz., who challenged the law. "I am not going to be part of this federal red-tape, feel-good legislation."

Mack said Monday that he filed suit after his office was required to make more than 100 checks, lasting an hour or two each, within a short

period of time.

"These are underfunded departments that don't have the money to put out their own brushfires, much less perform these checks," says Stephen Halbrook, a lawyer for the protesting sheriffs.

A federal judge in Arizona said the law violates the 10th Amendment, which reserves to the states those powers that are not specifically given to the federal government.

But the U.S. Court of Appeals for the 9th Circuit in San Francisco disagreed, upholding the law. Since then, the 2nd Circuit in New York upheld the law, and the 5th Circuit in New Orleans struck it down.

"We are not surprised the Supreme Court agreed to examine the case, given the split in the circuits," said James Brady's wife, Sarah, chair of Handgun Control Inc.

Even the Justice Department, which defended the law, urged the

high court to consider the case.

If the justices strike down the background-check provision, the waiting period could still survive. Creation of the federal computer system could be speeded up to make up for the loss of local help.

But gun control advocates worry there would be a gap of a year or more when the background of handgun owners would go unchecked.

"A year can make a big difference," says Mark Polston of the Center to Prevent Handgun Violence. He said that during the first year the Brady law was in effect, more than 41,000 gun purchasers were turned away because of background checks.

The New York Times

Justices Will Handle Dispute Over Investigating Gun Buyers

By LINDA GREENHOUSE

WASHINGTON, June 17 — The Supreme Court today agreed to decide whether a new Federal gun-control law violates state sovereignty by assigning local sheriffs the job of checking whether prospective gun purchasers have criminal records.

Local law-enforcement agencies have objected to this provision of the law, the Brady Handgun Violence Prevention Act, asserting that it turns local sheriffs into Federal functionaries who are required to do the Federal Government's work. The issue has been litigated in Federal courts around the country, with mixed results, since the Brady Act took effect in 1994.

In the case the Court accepted today, the Federal appeals court in San Francisco upheld the law in the face of challenges brought by county sheriffs in Montana and Arizona. But the Federal appeals court in New Orleans struck down the provision in March. The Clinton Administration urged the Justices to hear the sheriffs' appeal to resolve the conflict.

The case now becomes raw material for the Justices' wide-ranging re-examination of the constitutional boundary between the Federal Government and the states, an ongoing exercise that in the past year has produced two major constitutional rulings that have curbed Federal authority vis-à-vis the states.

In its last term, in a decision in *Lopez v. United States*, the Court said Congress had no authority under the Commerce Clause to make possession of a gun near a school a Federal crime. In this term, in *Seminole Tribe v. Florida*, the Court interpreted the 11th Amendment, which bars suits against states in Federal court, to invalidate part of a Federal law regulating casino gambling on Indian reservations.

The principal constitutional provision at issue in the new case is the 10th Amendment, one of the more obscure provisions of the Bill of Rights, under which powers not explicitly given to the Federal Government are reserved to the states.

While the 10th Amendment on its face appears far removed from the Brady act issue, a 1992 Supreme Court decision interpreted the amendment as forbidding the Fed-

eral Government to "commandeer state governments into the service of Federal regulatory purposes," as Justice Sandra Day O'Connor said in the majority opinion in that case, *New York v. United States*.

The county sheriffs are arguing, and courts elsewhere have found, that requiring the local officials to carry out the Federal mandate of background checks is a form of such commandeering. Sheriff Jay Printz of Ravalli County, Mont., told the Justices in the appeal the Court accepted today.

Under the 10th Amendment, Congress may not "conscript local law-enforcement officers to enforce Federal criminal laws," Mr. Printz said in his brief, adding that "Congress has no power generally to issue commands to state officials, just as the states have no power to issue commands to Federal officials."

In upholding the law in a 2-to-1 decision last September, a panel of the United States Court of Appeals for the Ninth Circuit said the 1992 Supreme Court decision involved a Federal law that was so different that the precedent had little bearing on the Brady act case. The 1992 decision struck down a portion of a Federal law on low-level radioactive waste that required each state either to set up a system for handling the waste generated within its borders or to assume ownership and all legal liability for it.

In his majority opinion in the Brady act case, Judge William C. Canby Jr. of the Ninth Circuit said that by, in effect, forcing the states to pass legislation, the radioactive-waste law was "a Federal intrusion on the states of a different kind and much greater magnitude than any involved in the Brady Act." The gun law, Judge Canby said, imposed only "minimal obligations" on local law-enforcement officials, obligations that are "not alien to their usual line of work."

Mr. Printz, the Montana sheriff, said in his appeal, *Printz v. United States*, No. 95-1478, that the appeals court's decision "shakes the structure of federalism to its foundations." He said he would have to transfer some of his 14 officers from patrolling the 2,400-square mile county to checking the background

DATE: 6-18-96

PAGE: A-20

of the customers of the county's 169 licensed firearms dealers. The county has 30,000 people.

An on-the-spot Federal record-checking system is supposed to be operating by 1998. When it is, sheriffs will no longer have to make the checks, and the current controversy over the Brady law will be moot. Until then, there is a five-day waiting period for handgun purchases and sheriffs are required to "make a reasonable effort" during that period to determine whether there is any legal reason to stop the sale.

Representative Charles E. Schumer, a Brooklyn Democrat who was a main sponsor of the Brady law, said today that he was "guardedly optimistic but not totally confident" that the provision would survive the 10th Amendment test. But he noted in an interview that the constitutionality of the law itself, barring handgun sales to those with criminal records, was not at issue and had not been challenged in this case.

Date: 06/17/96 Time: 17:55

SSupreme Court to Rule on Brady Law Gun-Control Enforcement

WASHINGTON (AP) The Supreme Court entered the political cross fire over gun control Monday, agreeing to decide whether Congress through the Brady law can make local officials check the backgrounds of handgun buyers.

The court said it will hear appeals by sheriffs in Montana and Arizona who say the measure unconstitutionally requires local officials to enforce a federal law.

Local officials ``may not be conscripted against their will as the foot soldiers in a federal crusade,' ' said lawyers for Jay Printz, sheriff of Ravalli County in Montana.

In recent decisions, the high court has begun to limit congressional inroads on the power of state and local governments. In March, the court curtailed federal lawsuits against states for alleged violations of federal laws.

The Brady law requires a background check to be conducted during a five-day waiting period before the sale of a handgun.

The law, strongly opposed by the National Rifle Association, is named after former presidential press secretary James Brady, who was seriously wounded in the 1981 attempted assassination of President Reagan.

The Brady law prevented firearm sales to more than 60,000 criminals in two years, the Clinton administration estimated in February.

A federal appeals court upheld the law in the Montana and Arizona cases. A New York-based appeals court also has upheld the law, though an appeals panel in New Orleans ruled the background check requirement unconstitutional.

``We are confident that the Supreme Court upon hearing the case will agree with the decisions made'' by the two courts that upheld the law, said Brady's wife, Sarah Brady, who chairs Handgun Control Inc.

In other action Monday, the court:

Agreed to decide whether states may confine ``sexually violent predators'' who have finished serving their prison sentences. The Kansas Supreme Court threw out the state's sexual predator law as unconstitutional.

Ordered a federal appeals court to restudy a Cincinnati charter amendment that denies homosexuals protection against discrimination. Last month, the justices struck down a similar Colorado measure.

Allowed women raped and tortured in the former Yugoslavia to sue Bosnian Serb leader Radovan Karadzic in the United States for alleged crimes against humanity.

Agreed to consider reinstating the federal convictions of a Tennessee judge accused of sexually attacking women in his office. A lower court said freedom from sexual attacks is not a constitutional right.

Said it will decide whether police who stop cars for routine traffic violations can order all passengers to get out.

Ruled that a federal appeals court went too far when it invalidated all provisions of a restrictive Utah abortion law.

The Brady law, which took effect in March 1994, requires local authorities to make a ``reasonable effort'' to find out if a prospective gun buyer has a felony record, a history of mental illness or illegal drug use, or some other problem that would make the sale illegal.

The federal government is required to create a national system for instant background checks by late 1998.

Printz and Sheriff Richard Mack of Graham County, Ariz., challenged the law and won rulings that said the federal government could not require local officials to conduct background checks.

But the 9th U.S. Circuit Court of Appeals reversed last September. The requirement is a minor burden similar to ``the federally imposed duties of state officers to report missing children or traffic fatalities,'' the court said.

In the appeals granted Supreme Court review, Printz said conducting background checks will force him to take deputies off patrol and investigation duties. Mack said the gun law shifts its primary enforcement burden onto local officials.

``Being sovereign in criminal law enforcement, of course, means that the states ... do not take orders from Congress,'' Printz's appeal said.

Justice Department officials said the 9th Circuit court was correct, but urged the high court to grant review and resolve the conflicting rulings.

``The Brady Act is an important federal statute directed at one of the most serious issues of public safety currently facing the nation, the epidemic of gun violence,'' said Solicitor General Drew S. Days III.

The Supreme Court is expected to issue its ruling next year.
APNP-06-17-96 1800EDT

FACSIMILE COVER SHEET
DEPARTMENT OF THE TREASURY
OFFICE OF POLICY DEVELOPMENT
(ENFORCEMENT)

Phone: (202) 662-0300

Fax: (202) 622-7103

Date:

Page 1 of ____

TO: Dennis Burke

FAX: 456-7028

FROM: Susan Ginsburg

SUBJECT: Brady

MESSAGE:

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: BAUCUS, SENATOR MAX

To: AG.

ODD: 11-03-94

Date Received: 10-18-94 Date Due: 11-21-94 Control #: X941019285359

Subject & Date

10-14-94 LETTER ENLISTING THE AG'S SUPPORT FOR A PROPOSAL
DEVELOPED BY THE MONTANA BRADY ACT WORKING GROUP FOR A
CENTRALIZED BACKGROUND CHECK SYSTEM WHICH ALLOWS GUN DEALERS
THROUGHOUT MONTANA TO CALL A TOLL-FREE NUMBER FOR INFORMA-
TION ON HANDGUN PURCHASERS. THE SENATOR SUPPORTS A
CENTRALIZED SYSTEM FOR MONTANA AND BELIEVES THAT IT CAN
SERVE AS A NATIONAL MODEL FOR MAKING THE BRADY ACT WORK. HE
PROVIDES THE ESTIMATED COST FOR SUCH A SYSTEM AND ASKS **

	Referred To:	Date:		Referred To:	Date:	
(1)	DAG;FOIS	11-16-94	(5)			SPEC:
(2)			(6)			
(3)			(7)			PRTY:
(4)			(8)			1
	INTERIM BY:			DATE:		OPR:
	Sig. For: OLA			Date Released: 11-23-94		MLH

Remarks

(1) OLA SIGNED LTR - TO ODAG/FOIS FOR CONCURRENCE. RETURN
TO EXEC. SEC. FOR DISPATCH. (MLH)
11-23-94: AAG/OLA SIGNED LTR WHICH WAS DATED 11-23-94 IN
EXEC. SEC. & MAILED. ODAG/FOIS CONCURRED. CC: OJP, OLA,
AG & LEGIS. FILES. (BAB)

Other Remarks:

AF APPR 11/21
FILE:

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: BAUCUS, SENATOR MAX

To: AG.

ODD: 11-03-94

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	Referred To:	Date:		Referred To:	Date:	
(1)	ASG;MARKUS	10-19-94	(5)			SPEC:
(2)	OJP;ROBINSON	11-02-94	(6)			
(3)			(7)			PRTY:
(4)			(8)	DAG;FOIS	11-16-94	1
	INTERIM BY:			DATE:		OPR:
	Sig. For:	OLA		Date Released:	SEE 9	MLH

Remarks

** THAT THE AG ACT IMMEDIATELY TO MAKE FUNDS AVAILABLE
THROUGH THE BRADY ACT IMPLEMENTATION PROGRAM OR THE DISCRE-
TIONARY GRANT PROGRAM MONIES MADE AVAILABLE UNDER THE
VIOLENT CRIME CONTROL ACT OF 1994.
(SEE E.S. 94101928494 - COPY OF CONTROL SHEET ATTACHED)
INFO CC: OAG (RENO, KLAIN), ASG, OASG (SILVERSTEIN), OPL,
ODAG (FOIS), OJP (ROBINSON, KAPLAN), JMD, OLA. ORIG/AG FILES

Other Remarks:

(1) PREPARE RESPONSE FOR AAG/OLA SIG. & RETURN TO EXEC. SEC.
ROOM 4400-AA, WITH COPY OF INCOMING, FOR TRANSMITTAL TO OLA.
(2) PER OASG/MARKUS, REASSIGN TO OJP/KAPLAN. PLEASE FOLLOW
INSTRUCTIONS UNDER (1) ABOVE. (MLH)

FILE: GUN CONTROL/GENERAL

J941019 4214

Mark Smith

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 23 1994

The Honorable Max Baucus
United States Senate
Washington, D.C. 20510

Dear Senator Baucus:

Thank you for your letter to the Attorney General regarding the implementation of the Brady Law in Montana. While it is disappointing to learn that there are problems with the even and efficient administration of the Brady background check requirement by local authorities in your state, I sincerely hope that the grant funds provided by the Congress for the improvement of criminal history records and the implementation of the Brady Law will assist in ironing out current difficulties.

The conclusion of your local working group that a statewide, centralized background check system would improve the administration of the Brady Law in Montana is a conclusion a number of other states have reached. In particular, the Ohio Attorney General's office has administered an effective, cost-efficient statewide Brady background check program using a "900 number" that places the cost of background checks on gun-purchasers. The Bureau of Alcohol, Tobacco and Firearms can provide you information about the centralized systems adopted by various states.

There are several sources of federal funds which Montana can look to for assistance in developing and running a centralized Brady background check system. Within the next few weeks, the Bureau of Justice Statistics will be publishing a program announcement describing the permissible uses for Brady implementation grant funds made available through the Crime Bill. As you may recall, the Congress appropriated \$100 million for that program in this fiscal year, and by law, every state is guaranteed at least one grant under that program.

In addition, 5% of Montana's "Byrne funds" must be used for criminal justice records improvement, including certain activities which would assist with the implementation of the Brady law in Montana. The exact use of Montana's Byrne funds is substantially within the discretion of state authorities, although each state must submit an expenditure plan in accordance with the Byrne grant authorizing statute and guidelines.

The Honorable Max Baucus
Page 2

While the Brady grant guidelines are currently in the final stages of development, it appears likely that the start-up costs which you suggest would be necessary to implement a centralized system in Montana could legally be paid for by funds allocated under either the Brady or the Byrne grant programs. On the other hand, the costs associated with operating such a centralized system are not likely to be permissible uses for Brady funds or Byrne "5%" grant funds. Some other way of covering the ongoing operating costs -- like "non-5%" Byrne funds or Ohio's "900 number" -- would be necessary.

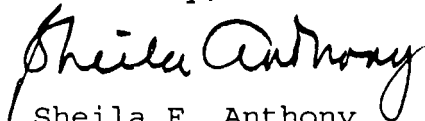
Montana's plan for the expenditure of its "non-5%" Byrne funds for this year has already been submitted. Accordingly, if Montana wishes to spend some of that Byrne money for the operation of a new, centralized Brady background check system, an amended plan would have to be submitted by the state indicating a reallocation of those funds to include that usage. In addition, Montana has until January 15 to finalize its plan for the expenditure of its "5%" Byrne funds. If Montana wishes to use some of those funds for the development costs associated with a central Brady background check system, the plan submitted by January 15 should indicate such an intended use.

Finally, it is important to note that a portion of the Brady grants will be used for providing technical assistance, at no charge, to jurisdictions which need it. Montana might wish to seek such assistance in the implementation of its centralized system.

I encourage you to have your staff work with Carol Kaplan, the Assistant Deputy Director of the Bureau of Justice Statistics (202/307-0759). She is responsible for the Brady grant program and the integration of Brady grants with Byrne grants. Through the coordination of your working group, the state office(s) which will administer Montana's Byrne and Brady funds and the staff in the Department of Justice, swift and productive efforts to implement an efficient, centralized statewide background check system developed with federal grant funds can be well underway in calendar year 1995.

We are anxious to do what we can to assist states in implementing the Brady Law. Please do not hesitate contact us with requests for help or suggestions for the improvement of the administration of the Brady program.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sheila Anthony". The signature is fluid and cursive, with the first name "Sheila" being more prominent than the last name "Anthony".

Sheila F. Anthony
Assistant Attorney General

COMMITTEES:
ENERGY AND COMMERCE
JUDICIARY
GOVERNMENT OPERATIONS

Congress of the United States
House of Representatives
Washington, DC 20515-3602

DISTRICT OFFICE:
2822 FEDERAL BUILDING
125 SOUTH MAIN STREET
MUSKOGEE, OK 74401
(918) 687-2533

TO: Dennis Burke FAX# 514-5499

FROM: MIKE SYNAR, M.C. _____

CAROLYN CROWNOVER _____
KIM HALE _____
PETER JACOBY _____
PAM KURLAND _____

THOMAS MAY _____
KIM RUBEY _____
LELA SHEPARD _____
VIVEK VARMA _____

DATE: 11/9/94

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

RE:

FYI
Pet

If there are any problems receiving this fax, please call 202/225-2701.

TALKING POINTS FOR BRADY BILL
September 22, 1993

- Tomorrow Chairmen Brooks will introduce the omnibus crime bill which will include the Brady bill. The legislation will be exactly as contained in last year's crime bill conference report and exactly as in H.R. 1025 which Chuck Schumer, myself and others introduced earlier this year.
- The bill calls for a procedure that allows police background checks, during a 5 day waiting period, of prospective purchasers of handguns who buy through commercial channels. The purpose is to screen out felons and other high-risk individuals as well as to provide a "cooling-off" period designed to deter the commission of crimes of passion.
- Since the Brady bill was first introduced in 1987, 150,000 people have died by handguns. In 1990 handguns killed 22 people in Great Britain, 13 people in Sweden, 91 in Switzerland, 87 in Japan, 10 in Australia, 68 in Canada and 10,567 in the U.S. Its high time we pass this legislation.
- **Waiting Periods Work:** California has a 15-day waiting period that, according to the California Department of Justice, Firearm Program, Criminal Information and Analysis Bureau stopped 5,859 prohibited firearm sales during 1991 and 5,763 during 1992. Those stopped from buying guns since 1991 include: 71 convicted of homicide; 14 convicted of kidnapping; 141 under restraining order for domestic violence; 203 convicted of sex crimes; 537 found to be under age; 884 convicted of burglary or robbery; 1,283 convicted of dangerous drug offenses; and 5,772 convicted of assaults.
- Similar results in Atlanta, Georgia (15-day waiting period), Illinois, Delaware, Maryland, Nebraska, New Jersey, Oregon. In Palm Beach County Florida police attributed a 60% drop in homicides in 1985 to a waiting period enacted in 1984.
- This past spring the Department of Justice Bureau of Justice Statistics did a survey of state prison inmate characteristics. The study found that 46% of the inmates who had committed a violent crime used a weapon. In the cases where a weapon was used, 24% used handguns, 11% used a knife and 6% used a rifle, shotgun or assault weapon. The study also found that of those prisoners who had ever possessed a handgun 27% had purchased the gun from a retail outlet.
- The opponents of the Brady Bill, like the NRA, are out of touch by supporting intransigent positions against responsible, reasonable gun control legislation. The NRA is losing their fight. They're losing their fight with the public, they're losing their fight in the states and they're losing their fight in the nation's capitol.

- A recent Louis Harris poll found that 52% of those polled favored a total ban on handgun sales. Harris said that this was his first poll to show majority support for a total ban. For the women here today, 61% of women favored banning handgun sales compared to 44% of men.
- The Harris poll also found, incredibly, that 88% of those identifying themselves as NRA members supported the Brady Bill's waiting period.
- This poll comes on the heels of a recent USA Today/CNN poll which found that 88% of gun owners support the Brady Bill's waiting period and 60% of gun owners favor a total ban on assault weapons possession.
- These polls confirm that most gun owners realize that certain restrictions on handguns don't automatically threaten their sporting or collecting activities -- and in fact can serve to protect neighborhoods from the criminal cross-fire that is spreading in the cities and suburbs.
- The NRA is losing in the statehouses as well. New Jersey and Virginia recently enacted new gun control laws despite hundreds of thousands of dollars spent by the NRA against the bills.
- Here in the Capitol the NRA is on the run. In an interview this summer, former chief justice Warren Burger stated that NRA officials "have trained themselves and their people to lie."
- Mr. Burger, who knows a little something about the Constitution and the Second amendment said, "the notion that registering gun purchases somehow violates the Constitution is unmitigated nonsense." In a parting shot, Mr. Burger also said, "the pernicious influence and conduct of the NRA is something that outrages me as an American citizen."
- The NRA's goon tactics and their practice of campaigning against their opponents in Congress has seriously backfired. It has been reported that the NRA spent \$10 million dollars in the last election cycle campaigning against its enemies.
- What did they get for their \$10 million? Of the 24 incumbents they targeted in the 1992 General Election, only two Members lost -- but not because of the NRA. One had hundreds of bounced checks (Mary Rose Oakar) and the other was redistricted into a very Republican area (John Cox). They also got 22 very upset and very committed opponents in Congress and a new President who called for Congress to pass the Brady Bill in his first state of the union address.

- All of this evidence points to one conclusion. The NRA is out of touch with Americans and their legislators. It is time to drive this point home by passing reasonable, responsible gun control legislation both here in Washington and in the state capitols around the country.
- I am the number two sponsor on the Brady bill, and the number two sponsor on the assault gun ban legislation. At a minimum both of these bills must pass this year.
- In the House, we can pass the Brady bill as a stand alone bill or as part of the crime bill - I will support whichever method gets the job done. The assault weapons bill is not as politically popular, it will get due consideration, following House disposition of the Brady bill.

BRADY BILL--ARGUMENTS AGAINST SUNSET AMENDMENT:

- o Bill already has sunset provision--as soon as an instant-check system is ready, the waiting period sunsets.
- o If instant-check isn't ready by time of automatic sunset, criminals will be able to buy guns without a background check.
- o Bill already includes specific timetable for developing instant-check, with penalties against states and Department of Justice if timetables aren't met.
- o All of the experts say instant-check system won't be ready in 5 years.

**Making America Safe
Implementing the Violent Crime Control Act
October 31, 1994**

**NATIONAL CRIMINAL HISTORY IMPROVEMENT
PROGRAM**

- On November 30, 1993, President Clinton signed the Brady Act into law. This much-needed legislation established a five-day waiting period for persons seeking to purchase handguns, and permits law enforcement agencies to conduct criminal history background check on such individuals.
- While the Brady Act has been a tremendous success, it is only as effective as the record keeping systems it relies upon. If state records are not up to date, criminals and other ineligible purchasers may be able to get guns they otherwise couldn't get.
- To make sure this doesn't happen, the Violent Crime Control Act provides \$100 million in FY 1995 funding for the National Criminal History Improvement Program (NCHIP). An additional \$50 million is authorized for FY 1996-1997.
- Under the NCHIP, the Department of Justice will award grants to states to help them upgrade their criminal history record-keeping systems. In addition, NCHIP grants will allow states comply with the National Child Protection Act, which requires states to conduct background checks on individuals who work with children.
- The Department is moving quickly get these funds to the states, where it can do the most good. During the last two weeks, all fifty governors were notified of their state's eligibility for NCHIP grants. The Department will distribute a program announcement, including application guidelines, by mid-November.

*quality of
life*

**RESPONSE CENTER 1-800-421-6770
202-307-1480**

BRADY BILL--POSSIBLE HOSTILE AMENDMENTS

1. **Substitute instant-check for waiting period.** The Brady Bill mandates a national 5-business-day waiting period before the purchase of a handgun. The bill also provides for the establishment of an instant-response point-of-purchase background check system. As soon as the instant-check is operational, the waiting period goes out of effect. This amendment would delete the waiting period provisions, and simply direct that an instant-check system be developed as soon as possible.

2. **Sunset waiting period after 5 years.** Another possible amendment would automatically sunset the waiting period provisions after 5 years, regardless of whether the instant check system is operational. We don't know how long it will take to develop instant-check--5 years is the absolute minimum. This amendment would mean that for the period between the sunset and the implementation of instant-check, criminals will be able to buy guns without a background check.

3. **Restrict coverage of instant-check to handguns.** Under the Brady Bill, once the instant-check system is in place, a background check will be required for all firearms sales. This amendment would limit the check to handguns. Criminals would be able to purchase any other firearm, including assault rifles, without a background check.

4. **Permit suits against police officer who stops a purchase.** Under the Brady Bill, if a gun sale is prevented by a background check, but the would-be gun buyer feels that he or she is entitled to buy a gun, the buyer is expected to go to the local police department to straighten out the supposed error. This amendment would permit denied buyers to sue a police officer for money damages if the officer wrongfully stops a gun purchase. This would expose police officers to the threat of personal liability every time they perform their responsibilities under the law, and would chill effective enforcement of the background check.

ALL OF THESE AMENDMENTS ARE OPPOSED BY THE SPONSORS OF THE BRADY BILL AND BY JIM AND SARAH BRADY.



U. S. Department of Justice

Washington, D.C. 20530

FACSIMILE COVER SHEET

TO: DENNIS BURKE

FROM: Nicholas M. Gess
Director
Public Liaison and Intergovernmental Affairs
TELEPHONE: (202) 514-3465
FACSIMILE: (202) 514-2504

DATE: February 28, 1996

SUBJECT: see attached

PAGES: (Including this cover sheet)

REMARKS: Dennis - Attached are Brady Act materials we faxed out to all Governors, AG's and police groups. Copies already provided to Marcia Hale and Alexis Herman.



U.S. Department of Justice
Public Liaison and Intergovernmental Affairs

Office of the Director

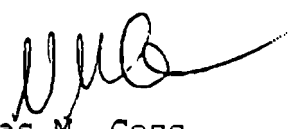
Washington, D.C. 20530

February 12, 1996

MEMORANDUM FOR:

Marcia L. Hale
Assistant to the President
and Director of Intergovernmental Affairs

FROM:


Nicholas M. Gess
Director of Intergovernmental Affairs
Department of Justice

SUBJECT:

Brady Act Anniversary

Attached please find a copy of materials we faxed out to all Governors, Attorneys General and law enforcement groups regarding the second anniversary of the Brady Handgun Control Act.

Please do not hesitate to contact me on 514-3465 if you have any questions.

Enclosure



U.S. Department of Justice
Public Liaison and Intergovernmental Affairs

Office of the Director

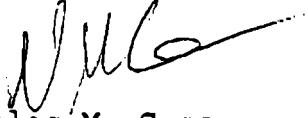
Washington, D.C. 20530

February 12, 1996

MEMORANDUM FOR:

Alexis Herman
Assistant to the President
and Director of Public Liaison

FROM:


Nicholas M. Gess
Director of Public Liaison
Department of Justice

SUBJECT:

Brady Act Anniversary

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Please do not hesitate to contact me on 514-3465 if you have any questions.

Enclosure



U.S. Department of Justice
Public Liaison and Intergovernmental Affairs

Office of the Director

Washington, D.C. 20530

February 28, 1996

MEMORANDUM FOR: All State Governors


FROM: Nicholas M. Gess
Director of Intergovernmental Affairs

SUBJECT: Brady Handgun Law Second Anniversary

Today is the second anniversary of the implementation of the Brady Handgun Control Law. The Brady Law has been a resounding success; more than 60,000 felons, fugitives and other prohibited purchasers have been denied a handgun during its two years of operation. Earlier today, the Departments of Justice and Treasury issued a joint press release. We are pleased to enclose a copy for your use.

The Department's Criminal Division is responsible for Justice Department implementation and can be reached on (202) 514-2601.

As always, we hope that you will call on us on (202) 514-3465 if we can be of assistance on other matters.

Enclosure



U.S. Department of Justice
Public Liaison and Intergovernmental Affairs

Office of the Director

Washington, D.C. 20530

February 28, 1996

MEMORANDUM FOR: State Attorneys General

FROM: 
Nicholas M. Gess
Director of Intergovernmental Affairs

SUBJECT: Brady Handgun Law Second Anniversary

Today is the second anniversary of the implementation of the Brady Handgun Control Law. The Brady Law has been a resounding success; more than 60,000 felons, fugitives and other prohibited purchasers have been denied a handgun during its two years of operation. Earlier today, the Departments of Justice and Treasury issued a joint press release. We are pleased to enclose a copy for your use.

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Enclosure



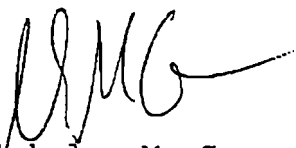
U.S. Department of Justice
Public Liaison and Intergovernmental Affairs

Office of the Director

Washington, D.C. 20530

February 28, 1996

MEMORANDUM FOR: Interested Law Enforcement Groups


FROM: Nicholas M. Gess
Director of Intergovernmental Affairs

SUBJECT: Brady Handgun Law Second Anniversary

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As always, we hope that you will call on us on (202) 514-3465 if we can be of assistance on other matters.

Enclosure



Department of Justice

FOR IMMEDIATE RELEASE
WEDNESDAY, FEBRUARY 28, 1996

AG
(202) 616-2777
TDD (202) 514-1888

ON SECOND ANNIVERSARY, RUBIN AND RENO HAIL BRADY ACT'S SUCCESS IN LIMITING ILLEGAL HANDGUN SALES AND FIGHTING CRIME

More than 60,000 Felons, Fugitives and Other Prohibited Purchasers Stopped

WASHINGTON, D.C. -- Two years after the Brady Act took effect, Attorney General Janet Reno and Treasury Secretary Robert Rubin said that it is working the way it should and warned against any efforts to repeal it.

The Treasury Department estimates that the Act has stopped more than 60,000 felons, fugitives and other prohibited purchasers from buying handguns over the counter in the last two years.

The Act and other crime-fighting measures, say Reno and Rubin, helped reduce national crime violent crime rates by 4 percent in 1994, and another 5 percent in the first half of 1995. Firearms were used in 6 percent fewer assaults in 1994 than in 1993.

When President Clinton signed the Act into law in November 1993, the Brady Act - named for Jim Brady, the former press secretary to President Ronald Reagan who was seriously injured in a 1981 assassination attempt -- established up to a five-business day waiting period for handgun purchases, affording local law enforcement authorities a chance to determine if the sale is prohibited by law.

"Each month the Brady Act is preventing nearly 2,500 criminals from buying guns while permitting law-abiding citizens to do so," said Rubin. "Gun dealers and their customers have now had time to adjust to the simple Brady background form as a necessary means of denying guns to criminally dangerous individuals."

Reno added, "Brady Act checks are also helping local police identify and arrest gun-buying criminals, often on other serious charges. The Brady checks have helped law enforcement arrest murderers, drug dealers, fugitives, wife-beaters and other criminals."

(MORE)

Brady Act Success

Just this month, for example, a Brady check helped the Wichita County Sheriff stop a handgun sale to a man who had battered and threatened to kill his ex-wife and children. He was under a restraining order.

Another Brady check in October 1995 helped ATF agents apprehend a convicted murderer as he tried to buy three handguns in Dekalb County, Georgia. Before the Brady Act, he had purchased at least 8 other guns without being challenged. He has since been convicted of violating federal firearms laws and awaits a prison sentence of up to ten years.

And last April, a Brady check helped ATF agents and local police apprehend a convicted heroin dealer and fugitive as he attempted to buy a handgun in Blair County, Pennsylvania. Prior to Brady, he had bought at least seven other guns without challenge and traded them to support his crack addiction. He is now serving two years in prison on various charges.

Leading law enforcement officials also expressed their support for the Act.

"It is clear, on this second anniversary of the Brady Act, that the waiting period has prevented thousands of criminals from obtaining firearms, and has saved lives," said Gilbert G. Gallegos, National President of the Fraternal Order of Police (FOP). "Members of the FOP continue to be impressed with the cooperation between the ATF and local law enforcement in implementing the Brady Act."

International Association of Chiefs of Police President (IACP) David Walchak noted, "The IACP strongly pushed for Congress to pass legislation to allow for a five-day waiting period to conduct thorough background checks on all prospective handgun purchasers. The IACP continues to strongly support the Brady Act."

Reno also pointed to the Act's other benefits. "The Brady Act has been a catalyst for improvements in automating the nation's criminal history records, helping us prepare for twenty-first century crime fighting," she said. "In the last two years, the Justice Department has made more than \$130 million available to states and worked with localities to help them automate their criminal history records -- improvements that will also help track sex offenders, domestic abusers and child molesters, and help child-care facilities and nursing homes screen potential employees."

(MORE)

How It Works

Federal law prohibits possession of a handgun by a variety of persons: convicted felons, fugitives from justice, persons under indictment, persons subject to restraining orders for alleged domestic violence, illegal drug users, persons who have been adjudicated "mentally defective" or committed to mental institutions, persons who have renounced U.S. citizenship, persons dishonorably discharged from the military, illegal aliens and generally, persons under 18.

The Brady Act requires prospective purchasers to complete a form that is forwarded to the chief law enforcement officer where the buyer resides. Law enforcement has five business days to check an applicant's record and advise the gun dealer as to whether or not the purchase is legal. However, a legal purchaser need not wait five days if law enforcement approves the purchase sooner. If the dealer receives no answer in five days, the sale can go forward.

###

96-074

THE SUPREME COURT AGREES TO REVIEW THE BRADY ACT

June 17, 1996

BACKGROUND

- The Supreme Court today agreed to hear two cases challenging the Brady Act's requirement that local law enforcement officials check the background of gun buyers. Two appeals courts have upheld the requirement; another found it to be an unconstitutional violation of state sovereignty.
- The law actually requires only that local authorities make a "reasonable effort" to find out if the potential buyer has a felony record, is wanted by the law, has a history of mental illness, or falls into another category prohibited from purchasing guns.

TALKING POINTS

- The Justice Department asked the Court to hear this cases and resolve the lower court conflict, citing the Brady Act's importance in fighting gun violence.
- The Brady Bill is working -- a February Treasury Department report estimated that it had thwarted more than 60,000 over-the-counter handgun sales to felons, fugitives and other prohibited purchasers. That's more than 2,500 a month.

U.S. Department of Justice • Office of Justice Programs

Bureau of Justice Statistics

633 Indiana Avenue N.W., Washington, DC 20531
FAX (202) 307-5846

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PLEASE DELIVER IMMEDIATELY UPON RECEIPT

Subject: NCHIP Criminal History ImprovementFrom: Jay HooverSender's phone number: (202) 307-1132, fax (202) 307-5846BJS Division: _____ CONFIRM RECEIPT? Yes ☐ No ☐ (call sender)Comments for receiver: Circled P on p3 of Press Release has best Summary,
FY95 \$100 mil. approp., 88 to go to States, About 80 solar. Rest in FY96
FY96 \$25 mil. Brady + Nat. Child Protection Act. + 1.5 National Stalker Reduction Act.
FY96 applications with the StatesIf all pages are not received please call me at my number above, fax a query
to me at 202-307-5846, or call the BJS fax center, 202-616-3487.

04/24/96

STATUS OF NCHIP FUNDING
(4/24/96)

State	NCHIP award amount	ASAP requested amount or maximum
Alabama	\$552,733	
Alaska	\$825,675	\$175,643
American Samoa	\$200,000	
Arizona	\$1,099,147	
Arkansas	\$659,390	
California	\$3,405,542	\$120,000
Colorado	\$986,315	
Connecticut	\$638,191	\$215,000
Delaware	\$962,400	\$162,689
D.C.	\$862,576	
Florida	\$2,894,331	\$250,000
Georgia	\$1,500,000	\$249,910
Guam	\$200,000	
Hawaii	\$600,000	
Idaho	\$490,000	
Illinois	\$2,800,000	\$250,000
Indiana	\$1,581,442	
Iowa	\$792,036	
Kansas	\$903,000	
Kentucky	\$1,200,000	
Louisiana	\$1,300,000	
Maine	\$1,975,000	
Maryland	\$1,700,000	
Massachusetts	\$1,901,209	
Michigan	\$1,124,874	
Minnesota	\$1,487,300	\$249,060
Mississippi	\$1,725,000	
Missouri	\$1,619,570	~~\$254,300~~ 250,000
Montana	\$335,000	
Nebraska	\$830,330	
Nevada	\$700,000	\$240,000
New Hampshire	\$1,200,000	
New Jersey	\$2,309,395	\$249,473
New Mexico	\$2,126,328	
New York	\$4,792,375	\$250,000
North Carolina	\$1,460,705	\$245,000
North Dakota	\$556,365	\$141,497
Ohio	\$2,178,241	\$232,330
Oklahoma	\$612,741	
Oregon	\$1,300,000	\$226,850
Pennsylvania	\$2,632,984	
Rhode Island	\$541,804	
South Carolina	\$1,145,955	\$147,065
South Dakota	\$530,000	
Tennessee	\$1,250,000	
Texas	\$4,961,200	
Utah	\$642,653	\$50,000
Vermont	\$1,975,279	
Virginia	\$2,215,105	
Washington	\$1,200,000	
West Virginia	\$1,919,000	
Wisconsin	\$1,700,000	
Wyoming	\$479,856	
Totals	\$75,581,047	3,704,517 ~~\$3,700,817~~

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Department of Justice

FOR IMMEDIATE RELEASE
MAY 22, 1996

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BJS
202-307-0703

**18 STATES WILL SHARE OVER \$3.7 MILLION IN JUSTICE DEPARTMENT
GRANTS TO DEVELOP ADVANCED BACKGROUND CHECK SYSTEMS**

WASHINGTON, D.C. -- As a result of grants awarded by the Justice Department today to California, New York, Florida and 15 other states, dangerous individuals -- such as persons subject to domestic violence protective orders or drug abusers -- will be kept from purchasing firearms. These states, all with advanced criminal history record systems, are committed to serving as models for other states that have less advanced criminal history records systems.

The awards are part of a larger sustained effort, the National Criminal History Improvement Program (NCHIP), to assist states in improving their record systems. NCHIP, administered by the Bureau of Justice Statistics (BJS), enables states to identify persons ineligible to purchase firearms or hold positions of responsibility with children, the elderly and the disabled.

For the first time, this aspect of the NCHIP program funds states so they can develop methods to capture data on domestic violence and stalking protective orders. In addition to the \$1.5 million appropriated for the stalker provision of the Violence

(MORE)

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Against Women Act, NCHIP funds for FY 1996 include \$25 million appropriated under the Brady Handgun Violence Prevention Act and the National Child Protection Act.

"These grants will help make sure that people who pose a threat to their families or their community cannot legally purchase firearms," said BJS Director Jan Chaiken. "It's important to deny easy access to firearms to spouse abusers and mentally unstable individuals who may act on impulse and cause further harm to their families and the community. It's no less important to help law enforcement officials do their job by enhancing already effective computerized records of arrests and convictions."

"Federal law prohibits individuals from obtaining firearms or ammunition if they are the subject of a restraining order," added Bonnie J. Campbell, Director of the Department of Justice's Office of Violence Against Women. "This funding will enable states to expedite enforcement of this vital protection."

The states receiving awards will use these funds to test and evaluate methods to store and share information on non-felons prohibited from purchasing firearms under federal or state law. In addition, states will use a portion of the funds to develop

(MORE)

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procedures to make data on these individuals available on a national basis and to explore methods to ensure the privacy and confidentiality of the data.

To date, BJS has made awards totalling almost \$80 million under NCHIP to all 50 states, the District of Columbia, and eligible territories. This includes over \$75 million to automate criminal history record systems and improve the accuracy, completeness, timeliness and accessibility of criminal history records. These improvements are helping states participate in the FBI's National Instant Criminal Background Check Systems (NICS) and implement the grant provisions of the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993.

The attached chart displays the 18 states receiving awards, the amount of the state's initial NCHIP award and the amount of the NCHIP/ASAP award announced today.

###

BJS 96-67

After Hours Contact: Doug Johnson 202/616-3230

(MORE)

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NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM FACT SHEET

The National Criminal History Improvement Program (NCHIP), administered by the Department of Justice, Bureau of Justice Statistics (BJS), assists states in automating their criminal history record systems and in improving the accuracy, completeness, timeliness, and accessibility of criminal history records. The program implements the grant provisions of the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993.

In FY 1995, every state and the District of Columbia received an NCHIP award to help speed up their participation the FBI's National Instant Criminal Background Check System (NICS), for which the FBI received \$6 million in NCHIP implementation funds. NCHIP grants are helping the states improve the quality of the nation's criminal history records and increase the number of complete records that will be immediately available to all states through the FBI's Interstate Identification Index (III).

Complete, accurate, and immediately accessible records will allow states to:

- more effectively track movement of felons from state to state and have information on criminal histories when individuals previously convicted of felonies are rearrested or attempt to purchase firearms.
- ensure that persons responsible for child care, elder care, or care of the disabled do not have prior disqualifying convictions.
- more easily identify criminal offenders subject to "three strikes" laws.
- identify individuals who have a criminal history of domestic violence or stalking and determine whether individuals are subject to restraining orders prohibiting domestic violence or abuse.
- immediately identify individuals with prior criminal records in any state.
- make better and more informed decisions relating to pretrial release and detention of offenders, career criminal prosecutions, and appropriate correctional confinement.

NCHIP is part of the Department of Justice's overall effort to ensure that states have the capability to compile accurate and complete criminal record information, which is critical to the provision of public safety.

NCHIP awards are made to state agencies designated by the governor, but the programs will be implemented on a statewide basis. Funds may be allocated to state criminal identification bureaus, courts, and other agencies that provide information about arrests or dispositions of criminals. The funds also support technology advancements, such as automated fingerprint identification systems (AFIS) and electronic telecommunications.

GAO Brady Implementation Report

Q & A

Enforcement:

- Q: The GAO reports that Brady prosecutions are not "a priority of Justice or the U.S. Attorneys". Why has Justice not followed up on the tools Brady provided?
- A: The Brady Act's main purpose is to prevent certain categories of persons from obtaining firearms from licensed dealers -- not to provide a new tool for prosecutors. And it works -- 44,000 felons have been stopped from buying handguns over the counter since Brady. The Brady law is doing what it was designed to do.
- Q: The GAO report says the Justice Department has determined it lacks the authority to impose penalties or otherwise prosecute chief law enforcement officers who choose not to conduct background checks. Does this mean Brady could be hamstrung?
- A: No, state and local law enforcement officials fought hard for enactment of the Brady Law and they continue to strongly support it. Voluntary participation is working very well.

Discrepancies in Denial Numbers

- Q: The GAO study found only 19,740 denials. We have also heard reports of 41,000 from the Treasury Department/ATF One-Year Progress Report and 44,000 in the President's State of the Union address. How do you explain the discrepancy?
- A: The GAO total is only from the small selection of jurisdictions it studied. The other figures are nationwide numbers of denials.

[Note: ATF's One-Year Progress Report issued in February, 1995 reported that in the first year of the Brady Law there had been 41,000 denials nationally for all categories of prohibited persons. The President reported in his State of the Union that in the almost two-years since the enactment of Brady, there had been 44,000 felons denied. Unlike the ATF number the President's does not include those who fell into other prohibited categories.]

[Note also: The current national figure is based on very conservative denial rates. The GAO found a 4.3% denial rate in its 20 jurisdictions. Our denial rate, based on reports from a larger and more representative sample of jurisdictions, was 2.5% in the first year and 1.5% in the second and is therefore more conservative.]

Administrative and Erroneous Denials

Q: The GAO report shows that in the jurisdictions they studied, 38.9% of the denials were for "administrative or other reasons." Does this not suggest that significant numbers of law abiding citizens are facing bureaucratic barriers preventing them from buying handguns they are otherwise lawfully permitted to purchase?

A: No, this figure is both anomalous and misleading -- administrative denials are not a widespread phenomenon. This data came almost exclusively from three jurisdictions. However, as with any law, there are frequently minor and easily correctable problems in the early implementation stages.

[Note: A few jurisdictions had unusual administrative problems. The GAO report notes that the "administrative denials" came almost exclusively from three of the examined jurisdictions (Houston, Ft. Worth, and Harris County, TX). In addition, GAO reports that 97.2% of these "denials" were due to gun dealers transmitting application forms to the wrong law enforcement jurisdiction. It is not clear that any of these errors resulted in actual denials. Sending the form to the wrong official does not necessarily mean the applicant was unable to purchase a handgun. The mistakes may have only delayed purchase until after notification of the proper official. Alternatively, the gun dealer may have sold the gun to the purchaser after waiting 5 days and hearing no report from the officer to whom the form was sent.]

Q: The GAO report points to denials based on unpaid parking tickets. Is this consistent with the intent of the Brady Act?

A: In the event that officers err, Congress provided the means in Brady for purchasers to get erroneous denials corrected -- either appeal to the chief law enforcement officer, or file a lawsuit. The Treasury and Justice Departments are also working together to provide definitions of the prohibited categories established by the Gun Control Act of 1968.

[Note: These definitions, which will be issued within the next few months, are for purposes of deciding which records need to be queried by the national instant record check system to go on line in 1998. They will also serve to assist local officials in their decision-making concerning the lawfulness of a handgun purchase.

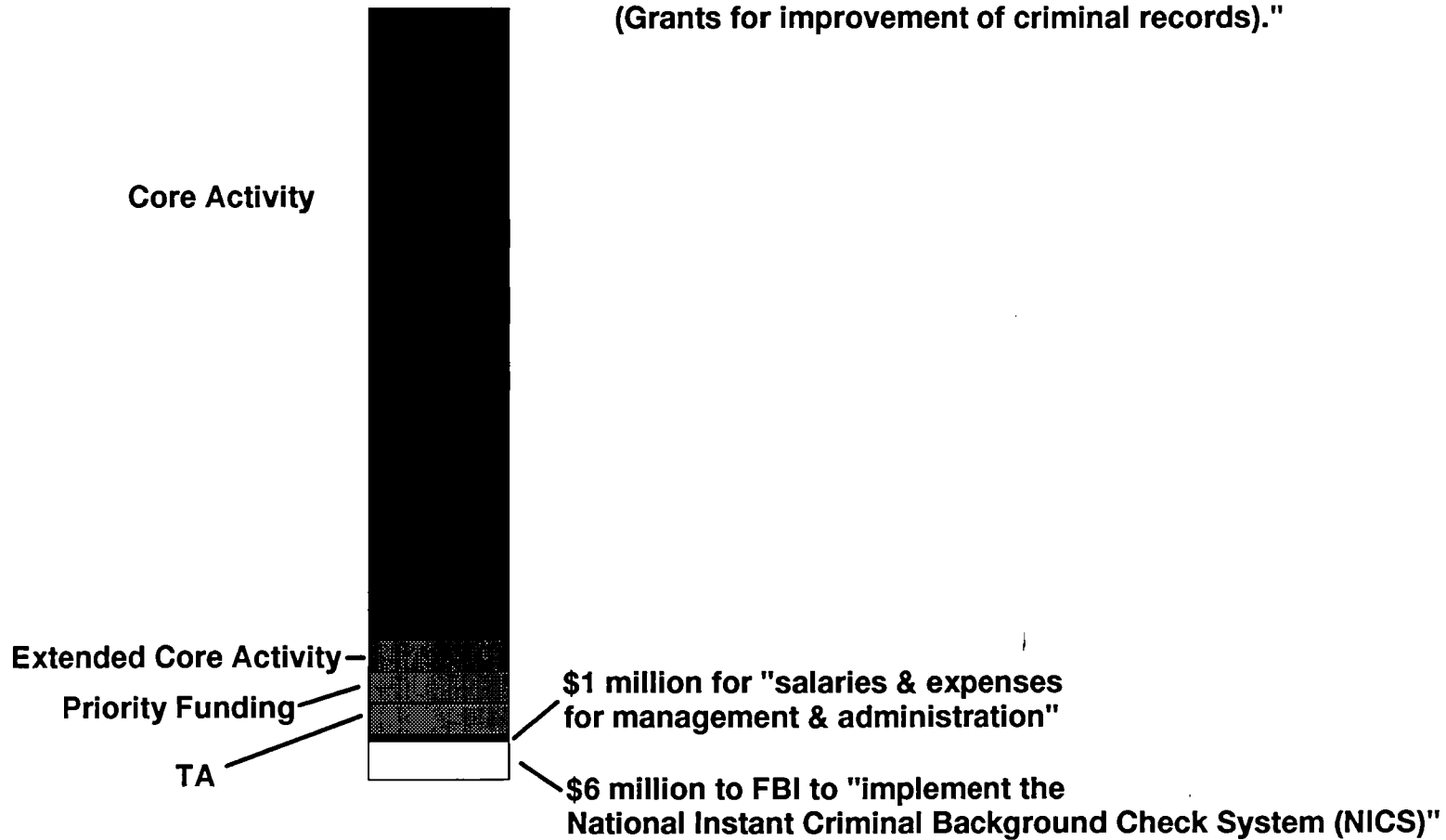
Challenges to Brady

Q: The GAO highlights the current state of tenth amendment challenges to the Brady Act. Is the constitutionality of Brady in doubt?

A: The Department of Justice steadfastly maintains that the Brady Law is constitutional. In 1995, the Civil Division continued to be successful in defending the Brady Law against constitutional challenges in the district and circuit courts. The only district court to render a decision on the Brady Law's constitutionality in 1995, upheld the Act; two other cases are pending in the district courts. Most importantly, the Ninth Circuit, the first court of appeals to rule on the issue, also upheld the Brady Act. Additional appeals are pending in the Second, Fifth, and Tenth Circuits.

Distribution of the Brady Act funds, FY95

Total \$100 million for "grants, contracts, cooperative agreements & other assistance authorized under Section 106(b) of the Brady Act (Grants for improvement of criminal records)."



Bureau of Justice Statistics
633 Indiana Avenue N.W.
Washington, DC 20531



U.S. Department of Justice
Office of Justice Programs
FAX (202) 307-5846

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From: Joy Hoover

Sender's phone number: (202) 307-132, fax (202) 307-5846

BJS Division: _____

Comments for receiver: BJS Grant Managers: N Mexico - Linda Rider 4-905

S Carolina & Kentucky - Don Manson 6-3491

Helen Gradzadei (6-3292) has the BJS information
on her computer.

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November 18, 1994

MEMORANDUM TO: Jan Chaiken
Ben Renshaw
Carol Kaplan
Donna Lester-Carver
Linda Ruder

Maureen Henneberg
Paul White
Don Manson

FROM: Helen Graziadei *H.C.*

SUBJECT: Updated CHRI Summary

Please replace your existing CHRI summary with this update reflecting CHRI grant activity through November 18, 1994. To date, 61 of the 81 (75%) projects have passed their project end-date. Furthermore, 10 of the 20 remaining States with active CHRI projects will continue into calendar year 1995 (American Samoa, California, Maryland, Minnesota, Montana, Nevada, New Hampshire, New York, Northern Mariana Islands, and Oklahoma).

BUREAU OF JUSTICE STATISTICS
SUMMARY OF CRIMINAL HISTORY RECORD IMPROVEMENT GRANTS
TO PARTICIPATING STATES

November 18, 1994

1a. **Alabama** \$204,185 (1/1/91-8/31/92)--The Criminal Justice Information Center will contract with State courts to obtain missing disposition data from 1988 and will determine procedures and implement changes designed to improve disposition reporting in the future.

1b. **Alabama** \$237,927 (3/1/92-2/28/93)--The Alabama Criminal Justice Information Center will replace outdated data entry terminals, promoting increased productivity necessary to improve the criminal history records operation. The Alabama Administrative Office of the Courts will begin automating local court records systems at the same time, enabling them to submit their records more efficiently.

2a. **Alaska** \$223,147 [\$242,350 original award] (10/1/90-4/30/92)--Activities conducted by the Department of Public Safety include identifying felony convictions; creating a uniquely numbered multi-part form that would replace the current fingerprint card, the District Attorney's SID form, and supplement court disposition documents; meeting minimum standards for FBI III participation; and processing a backlog of 60,000 criminal history records.

2b. **Alaska** \$426,820 (4/1/92-9/30/94)--The Department of Public Safety will implement the recently developed Arrest Tracking Document, develop an overview of the Alaska criminal justice system to illustrate system-wide interdependence, meet the BJS/FBI voluntary reporting standards, and design automated interfaces between the criminal history record repository and other law enforcement agency systems.

3. **American Samoa** \$112,842 (10/1/91-3/31/95)--The Department of Public Safety plans to automate criminal history record information currently maintained manually within the Department. Funds will be used to perform a baseline audit, to procure and install computer hardware, to convert data, and to evaluate the project.

4. **Arizona** \$564,660 (9/1/91-9/30/94)--The Arizona Department of Public Safety will conduct a Criminal History Record Improvement (CHRI) baseline audit and a needs assessment to determine system enhancements needed to identify convicted felons and system modifications necessary to allow access to the information. The Department will also create a multiagency task force to assist in the planning of clearing a backlog of 95,000 dispositions. BJS granted a supplemental award in the amount of \$300,000, on January 5, 1993, as part of the total award. With this

supplemental award, DPS will continue to make systematic improvements in the quality and timeliness of criminal history record information, with particular emphasis on improving disposition reporting to the Arizona central repository. Specific tasks include the improvement of data capture process, improvement of the submission of agency data collection and reporting procedures, implementation of statewide training and audit program, development of an automated local interface for arrest and disposition reporting, and improvement of management and management reporting.

5a. **Arkansas** \$497,320 (10/1/90-10/31/92)--The Crime Information Center plans to process a backlog of over 70,000 arrests made within the last 5 years which do not contain disposition information. Using State funds, Arkansas implemented a new computerized criminal history system designed to capture arrest and disposition data from courts and law enforcement agencies.

5b. **Arkansas** \$356,822 [\$366,219 original award] (7/1/92-11/30/93)--The Crime Information Center will continue the State's activities in implementing the CHRI Program. This phase will expand Arkansas' criminal history records usefulness by improving their accuracy, completeness, and timeliness. New objectives include connecting 100,000 FBI numbers to the State's fingerprint card system, the development of on-line court disposition reporting procedures, expansion of non-criminal justice use of the data and conducting an internal audit of the record system to identify other key areas needing improvement. Future implementation will be undertaken with formula grant funds.

6a. **California** \$144,196 (3/15/91-3/14/93)--The Criminal Identification and Information Branch of the Department of Justice will establish internal and external advisory committees and develop an implementation plan for improving the quality of the California Automated Criminal History System. Efforts to automate disposition reporting will also be initiated.

6b. **California** \$459,576 (11/1/92-1/31/95)--The California Department of Justice will make systematic improvements in the quality and timeliness of criminal history record information, with particular emphasis on improving disposition reporting to the California Central Repository. Specific tasks include (1) automated disposition reporting by local agencies to the State, (2) development of a disposition update reference name file, and (3) automated tape disposition reporting to the FBI.

7. **Colorado** \$438,178 [\$454,013 original award] (11/1/90-6/30/93)--The Colorado Bureau of Investigation (BI) will develop procedures designed to accurately identify persons convicted of at least one felony, meet the BJS/FBI voluntary reporting standards, and identify impediments and improve final charge disposition reporting. BJS granted a supplemental award in the amount of \$233,570, on June 15, 1992, as part of the total award. With this supplemental award, BI in conjunction with the

State Court Administrator and the Department of Corrections, will conduct a CHRI audit and improve reporting of final disposition of court cases.

8. Connecticut \$500,000 (10/1/91-12/31/94)--Funds will allow the Connecticut Department of Public Safety to improve the quality and timeliness of criminal history records. Project activities will include upgrading telecommunications links between State police and courts and improving the reporting by local law enforcement of fingerprintable arrests.

9a. Delaware \$375,976 (10/1/90-3/31/92)--As part of a coordinated proposal, Delaware's Office of Criminal Justice Plans and Analysis will complete their statewide MNI, eliminate a backlog of disposition data, and develop a real-time State system which will ensure future data quality and timeliness of criminal justice information.

9b. Delaware \$310,855 (4/1/92-9/30/94)--The Delaware State Police plans to resolve incompatible components in, and integrate, two existing court systems. The resulting linkage will provide a comprehensive, on-line computerized criminal history database.

10. District of Columbia \$474,600 (10/1/90-9/30/93)--The Office of Criminal Justice Plans and Analysis will design and implement an electronic interface with existing automated metropolitan and regional criminal justice agency databases to create a comprehensive computerized criminal history record system.

11a. Florida \$284,044 [\$325,759 original award] (11/1/90-6/30/92)--The Department of Law Enforcement will eliminate a backlog of disposition data and fingerprint arrest records, and will implement a felony flag indicator in their automated files. It will also decrease the backlog of consolidations of positive identification of fingerprint cards from two or more records. Additionally, the Office of State Courts Administrator plans to implement a model integrated criminal justice information system for a judicial circuit.

11b. Florida \$57,497 [\$105,988 original award] (11/1/92-4/30/94)--The Office of the State Court Administrator (SCA) will continue the activities initiated under the first CHRI grant. SCA will improve the automated interface between its computer and the Florida Department of Law Enforcement (FDLE), the State's criminal history central repository, to allow the Courts direct access to criminal history information. SCA will also modify existing software in 27 local court systems to permit the processing of criminal history information; and will pilot the use by judges of the criminal history file in their decision making process related to drug/substance abuse, pretrial release, and domestic violence.

12a. Georgia \$401,900 (10/1/90-10/31/91) --A major 12-month effort will allow the Bureau of Investigation to eliminate a backlog of 348,000 fingerprint cards and disposition reports.

12b. Georgia \$499,699 (10/1/91-9/30/93) --The Administrative Office of the Courts will develop an automated case disposition transmission system to allow Georgia courts to immediately send felony status and sentence information to both the Administrative Office of the Courts and the Georgia Crime Information Center. This project is the second phase of CHRI in the State.

13. Hawaii \$499,998 [\$500,000 original award amount] (10/1/90-6/30/93) --Activities conducted by the Department of the Attorney General include conducting a data quality audit, developing a two-way interface with Judiciary's Circuit Court felony system, reducing a backlog of delinquent dispositions, and flagging convicted felons.

14. Idaho \$234,769 [\$235,341 original award amount] (3/15/91-2/28/94) --The Criminal Identification Bureau of the Department of Law Enforcement will implement an automated court disposition reporting system, reduce a backlog of arrest and disposition documents, conduct a baseline audit, and flag convicted felons.

15. Illinois \$500,000 (9/1/91-11/30/94) --Funds will be used by the State Police to improve the quality and timeliness of criminal history record information maintained in the State repository. Major objectives are to enhance the State's ability to accurately identify convicted felons, comply with the BJS/FBI voluntary reporting standards, and acquire missing State's attorney dispositions for reported arrests and adding them to the criminal history record data base.

16. Indiana \$248,253 [\$433,096 original award amount] (4/1/92-9/30/93) --The Indiana Criminal Justice Institute will conduct an audit and needs assessment with its grant funds. It will also reduce a backlog of criminal record information.

17a. Iowa \$415,922 (10/1/90-11/30/92) --The Iowa Department of Public Safety (DPS) will develop systems to electronically extract and interface corrections and court data for improved Computerized Criminal History (CCH) records.

17b. Iowa \$361,525 (10/1/92-6/30/94) --This is a Phase II application that will enable the Iowa DPS to continue to implement the CHRI program in the State in conjunction with the State Court Administrator, the Department of Corrections, and the Department of Human Rights. The principal objectives are to: (1) improve Iowa's CCH record system; (2) identify convicted felons; and (3) meet the voluntary standards of the FBI. Automated systems will be developed to electronically extract and interface corrections and court data, including dispositions, to CCH information.

18. **Kansas** \$363,856 (09/01/92-08/31/94)--Under this project, the Kansas Bureau of Investigation will complete the automation of manual criminal histories; locate missing dispositions; synchronize its file with the FBI to prepare for Interstate Identification Index (III); improve the automated interface with its law enforcement network, the Office of Judicial Administration, and the Department of Corrections; and acquire additional computer memory and storage to meet the expanded requirements of the criminal history program.

19. **Kentucky** \$499,800 (8/01/91-7/31/92)--The Justice Cabinet will engage in installing computer interfaces from the local circuit courts to permit the immediate reporting of felony dispositions to the Administrative Office of the Courts. Each court will receive a file server (for multiterminal access within the court), a printer, a backup system, and a modem.

20. **Louisiana** \$108,000 [\$120,711 original award] (10/01/91-9/30/92)--Funding will allow the Commission on Law Enforcement to undertake a 9-month requirements analysis to determine what improvements need to be made to existing criminal history files. Once set and approved by the State, this plan will be used as the basis for further criminal history record improvement.

21. **Maine** \$500,566 (10/1/90-6/30/94)--The Department of Public Safety will design, develop, and implement an automated criminal history system within the State which will replace the existing manual records structure. BJS granted a supplemental award in the amount of \$126,000, on March 11, 1992, as part of the total award. With this supplemental award, the Department of Public Safety will continue to improve the quality and completeness of computerized criminal histories. Additional personnel will be hired to support data entry to the Master Name Index and computerized criminal histories will be established for active offenders.

22a. **Maryland** \$83,832 (9/1/90-4/30/92)--Primary focuses of the Office of Criminal Justice Plans and Analysis are development and implementation of a "live scan" booking system that will eventually be placed in every agency with responsibility for arrest processing. Automated systems will be developed to electronically interface such a booking system with State criminal history information.

22b. **Maryland** \$638,223 (5/1/92-9/30/95)--The Office of Criminal Justice Plans will continue to develop, test and implement an on-line, live scan booking system. This system will feed directly into the State's Automated Fingerprint Identification System (AFIS) supported computerized criminal history system to efficiently and effectively identify felons and other targeted criminal populations.

23. **Massachusetts** \$431,672 (11/1/90-10/31/93)--The Criminal History Systems Board will use funds to complete the work required to tie the State's Automated Fingerprint Identification System (AFIS) to offender disposition data to create a computerized criminal history system that meets State and BJS/FBI needs and requirements. This project will also support the collection, classification, identification, and electronic storage of critical fingerprint information.

24a. **Michigan** \$219,469 [\$280,970 original award amount] (7/01/91-9/30/93)--The Michigan State Police (MSP) will improve the completeness of disposition reporting. Efforts include identifying and entering missing disposition data from county courts and developing an electronic system to enter dispositions directly from the courts into the MSP criminal history files. BJS granted a supplemental award in the amount of \$50,000, on September 9, 1992, as part of the total award. With this supplemental award, the MSP will improve the efficiency and data integrity of criminal history record information in Michigan. This will be accomplished by identifying, retrieving, and entering missing court dispositions and by developing an automated court disposition program.

25a. **Minnesota** \$267,284 (9/1/91-2/15/93)--The Department of Public Safety's Bureau of Criminal Apprehension plans a multiphase approach to improving the State's criminal history system. They will conduct a baseline audit of the current criminal records system, while also undertaking improvement in the system identified by the State's Criminal Justice Data Group. In addition to the audit, the Bureau will develop systems and procedures to identify felons, improve reporting from law enforcement, and increase the degree of automated interface with courts and corrections agencies. Further, it will improve the quality and timeliness of FBI reporting through the III program.

25b. **Minnesota** \$295,270 (9/1/92-2/28/95)--This is a Phase II application. The project will confront the concerns identified in the initial application as inaccurate, incomplete, and untimely criminal history information and the operational policy impact on the implementation of the CHRI program in the State. In addition, issues involving the interaction between the State's criminal history system and the FBI will also be addressed.

26. **Mississippi** \$99,633 [\$135,046 original award] (1/1/92-9/30/93)--The Department of Public Safety will implement procedures to comply with the BJS/FBI voluntary reporting standards and work with local police chiefs, sheriffs, courts, district attorneys, and the State Department of Corrections to develop a detailed criminal history recordkeeping improvement plan. This plan will evaluate the current status of data quality and establish improvement specifications.

27a. Missouri \$475,033 [\$478,685 original award] (3/1/91-9/30/92)--Funding will allow the State Highway Patrol to identify convicted felons, improve CCH, participate in the FBI III program and meet BJS/FBI standards. With the Office of Prosecution Services, they will develop an automated interface to receive disposition data.

27b. Missouri \$280,406 (7/1/92-6/30/94)--In this phase of the effort to improve criminal history records, the State Highway Patrol will install a generalized software system which will permit open access to criminal history records from any computer platform using any programming language and will upgrade batch processing operations to real-time.

28a. Montana \$92,664 (10/1/90-5/31/92)--The Department of Justice intends to implement a statewide numbering system, establish a requirement that judges use state ID arrest number, achieve 90% compliance with fingerprint card submission, achieve 85% disposition reporting, begin auditing submission rates, and flag convicted felons.

28b. Montana \$339,518 (6/1/92-2/28/95)--The Department of Justice will institute procedures to meet the BJS/FBI recommended voluntary standards for maintaining fingerprints from each arrest, consistent data elements, a tracking number, complete disposition information and audit responsibility. It will develop systems and procedures to improve arrest and disposition reporting to the central repository.

29a. Nebraska \$159,998 [\$160,000 original award] (10/1/91-9/30/92)--An audit of criminal history records and a detailed requirements analysis will be conducted for the first time by the State Patrol. Procedures will also be developed to identify and flag convicted felons in existing and new databases. Upon completion of the audit, the State Patrol will refine the State criminal history system design, review the patrol criminal history system, and begin implementation of the recommendations in the audit report.

29b. Nebraska \$510,000 (10/1/92-3/31/94)--The Nebraska State Patrol will continue the development and implementation of the CHRI program in Nebraska. Areas identified as needing improvement, in an initial requirements analysis, were identified and a plan to upgrade the criminal history system in the State was completed. This project will implement some of the findings.

30. Nevada \$281,920 (9/1/92-3/31/95)--The Nevada Department of Motor Vehicles and Public Safety will improve the quality and timeliness of criminal history record information, with particular emphasis on improving disposition reporting to the Nevada Central Repository. Specific tasks will include, (1) development of a criminal history record improvement plan, (2) establishing an electronic interface between Nevada and the FBI, and (3) reduction in fingerprint card and disposition report

backlog.

31. **New Hampshire** \$480,352 (10/1/92-3/31/95)--The New Hampshire Department of Safety will improve the efficiency and data integrity of criminal history record information in New Hampshire. This will be accomplished by development of a comprehensive Criminal Justice Information Systems Master Plan, a reduction in the backlog of court dispositions, and implementing a communications interface between the CHRI database and the statewide message switching system to enable on-line access to criminal history data.

32a. **New Jersey** \$377,342 [\$442,171 original award] (10/1/90-3/31/92)--The Department of Law and Public Safety will rewrite its computerized criminal history system to allow an automated interface with a new system to be developed by the courts. This program will enable reporting of dispositions and other criminal justice actions to the State repository.

32b. **New Jersey** \$478,711 (3/1/92-6/30/93)--The Department of Law and Public Safety will complete the activities started under the initial grant. It will coordinate with the Office of Telecommunications and Information Systems to completely rewrite the existing software to meet the requirements of the CHRI detailed design document created under the first grant. In addition, the Administrative Office of the Courts will modify its software.

33. **New Mexico** \$549,593 (10/1/91-12/31/94)--Assistance in establishing a Computerized Criminal History (CCH) system which will interface with the existing MNI is the focus of funding to the Department of Public Safety (DPS). Additional purposes include increasing the number of case dispositions reported to DPS, creating a felony flag, and establishing an AFIS database for use by DPS.

34a. **New York** \$378,969 [\$382,529 original award] (10/1/90-8/31/92)--The Division of Criminal Justice Services will conduct an analysis of the basic causes of underreporting of disposition and other data to the central repository. Also, a collection unit will be established to increase disposition reporting from known delinquent agencies.

34b. **New York** \$381,512 (9/1/92-8/31/95)--The New York Division of Criminal Justice Services will conclude the study initiated in the first phase of this project to determine if problems related to disposition collection could be systematically corrected. Sixty-five database problems identified under phase I which severely corrupt data files and negatively impact on the accuracy, completeness, and timeliness of disposition and other criminal history information will be corrected.

35. **North Carolina** \$395,120 (10/1/92-4/30/94)--This award is a joint effort by the North Carolina State Bureau of Investigation (SBI) and the Administrative Office of the Courts (AOC) to search for missing dispositions, convert manual criminal history information to automated records, and obtain auxiliary equipment to handle the increased workloads. When these tasks are completed, obsolete equipment will be replaced to enable the State to comply with BJS requirements for the improvement of criminal justice records.

36. **North Dakota** \$351,049 (3/1/91-6/30/94)--Using State funds, North Dakota implemented CCH in 1988. Operational experience has identified areas of needed improvement. CHRI funds will be used to identify felons, link final dispositions to charges, and implement systems to increase arrest and disposition reporting.

37. **Northern Mariana Island** \$122,066 (6/1/92-8/31/95)--The Northern Mariana Island CIPA will make systematic improvements in the quality and timeliness of criminal history record information throughout the CNMI. This project is for the development and implementation of systems and procedures designed to accomplish the following: (1) enhance the CNMI's criminal history records to identify convicted felons accurately, (2) have the CNMI meet the FBI voluntary reporting standards for identifying convicted felons, and (3) improve the quality and timeliness of the CNMI's criminal history record information. CNMI will develop a CHRI plan, develop and implement a comprehensive criminal history record, establish an appropriate legal and administrative foundation for the criminal history record, and will then automate the agencies comprising the criminal justice system.

38a. **Ohio** \$458,249 (10/1/91-6/30/94)--The Office of the Attorney General will improve the quality and completeness of criminal history records by increasing the number of disposition cycles reported by agencies at the local level, eliminating a backlog of dispositions, and increasing the accuracy and timeliness of reporting throughout the system.

38b. **Ohio** \$375,000 (3/1/93-8/31/94)--The major objective of this application is to improve the efficiency and data integrity of criminal history records in Ohio by carrying out a set of tasks which will increase the completeness and accuracy of criminal history reporting, particularly dispositions.

39. **Oklahoma** \$176,500 (7/1/92-1/31/95)--The Oklahoma State Bureau of Investigation will expand Oklahoma's criminal history records usefulness by improving their accuracy, completeness, and timeliness; identify convicted felons; and meet the voluntary reporting standards of the FBI. The primary goal of this project is to develop an effective strategy to fully automate and integrate OSBI's criminal history files. The immediate objective is to conduct a requirements analysis and develop a cost effective plan for future implementation. It will also conduct a needs assessment integrating the Arrest Disposition Reporting

System data base with the CCH data base. Based on the findings, implementation will occur.

40a. Oregon \$444,453 (10/1/90-6/30/93)--A linkage between the Oregon Judicial Information Network and the State Law Enforcement Data System will be developed. The Executive Department also will reduce a disposition backlog of 32,000 dispositions, flag convicted felons, and monitor the status of rejected fingerprint cards. It will also enhance the ability to receive and maintain live-scan fingerprinting and video mug-shots to further identification and investigative support capabilities for the State.

40b. Oregon \$0.00 [\$122,800 original award] (12/1/92-3/31/94)--The Oregon Executive Department will continue assisting the State of Oregon in improving the quality, completeness, and timeliness of criminal history records in the State. This project will initiate an assessment to identify, document, and develop solutions for the problems noted in the first award. The Department will prepare a criminal history audit assessment.

NOTE: Resulting from a reorganization of Oregon's State government, the Oregon Executive Department was eliminated and the responsibilities for this project transferred to the Oregon Department of State Police on November 4, 1993. No expenditures were made by the Executive Department during the life of the grant. The Department of State Police has since continued CHRI grant activities. The total award amount of \$122,800, was deobligated with the intention of reawarding these monies to the Department of State Police to ensure the successful completion of project activities as set forth in the initial application.

40c. Oregon \$122,800 (11/4/93-8/31/94)--The Department of State Police will resume the activities initiated by the Executive Department to continue assisting the State of Oregon in improving the quality, completeness, and timeliness of criminal history records in the State. This project will complete an assessment to identify, document, and develop solutions for the problems noted in the first award. The Department will prepare a criminal history audit assessment.

41a. Pennsylvania \$502,690 (3/1/91-12/31/93)--The Pennsylvania State Police will improve criminal history records by automating all manual records, adding a felon identifier, increasing the number of arrests entered into the computerized data base, improving the reporting of court dispositions, and conducting an audit to identify additional problems.

41b. Pennsylvania \$313,304 (11/1/92-12/31/94)--This is a Phase II award that will enable the Pennsylvania State Police to improve the efficiency and data integrity of criminal history records within the department by acquiring electronic fingerprinting systems for use throughout the Commonwealth of Pennsylvania.

These objectives will enhance criminal history record information and improve the administration of justice by Pennsylvania criminal justice agencies and Federal law enforcement agencies.

42. Rhode Island \$272,025 (9/1/91-8/31/93)--Improvements in the quality and completeness of criminal history records will be made by the Office of the Attorney General. A series of tasks will be performed to improve fingerprint reporting, enter a felony flag for convicted felons, improve the inquiry methodology for criminal history records, and audit disposition data on an ongoing basis.

43a. South Carolina \$470,296 [\$496,677 original award] (9/01/91-1/31/93)--The goals of the Law Enforcement Division include establishing a felony flag, reducing a 12-month backlog of dispositions being held at the repository, and improving the automated interface between the courts and the central repository.

43b. South Carolina \$354,000 (9/1/92-12/31/93)--This is a Phase II application. This phase will integrate the recommendations of the study into the automated system, expand the system into the remaining 26 counties, and complete the automated interface between the recipient and the South Carolina Law Enforcement Division (SLED) to permit the immediate transfer of disposition information into the State criminal history records.

44. South Dakota \$305,338 (9/1/92-9/30/94)--The goals of the Division of Criminal Investigation include the enhancement of the State's criminal history records, compliance with BJS/FBI Voluntary Reporting Standards for criminal history records, participation in the Interstate Identification Index (III) program, and providing machine readable disposition reports to the FBI.

45. Tennessee \$433,384 (3/1/92-12/31/93)--The Bureau of Investigation to meet the BJS/FBI voluntary reporting standards. The project also will develop an automated program to allow the electronic reporting of individuals born outside the United States to the Immigration and Naturalization Service.

46a. Texas \$428,751 [\$469,608 original award] (11/1/90-5/31/92)--The major effort of the Criminal Justice Policy Council is to develop software and hardware designed to interface computerized criminal history records with county court automated systems for the electronic exchange of disposition reports.

46b. Texas \$267,810 [\$349,750 original award] (6/1/92-12/31/93)--The primary objective is to develop the capability to receive electronic case disposition data from every county which is currently automated or which chooses to automate in the future. The Criminal Justice Policy Council will continue to implement current initiatives and will incorporate the implementation of electronic reporting of disposition information

between the most populous counties and the State computerized criminal history files.

47. **Utah** \$350,000 (12/1/90-12/31/93)--The Commission on Criminal and Juvenile Justice will implement procedures to eliminate loss of data moving between criminal justice agencies, routinely obtain prosecution declinations, install systems to improve court data reporting, identify convicted felons, and improve the flow of information from the State Department of Corrections.

48. **Vermont** \$370,217 (10/1/91-12/31/94)--Efforts will be made to improve the criminal history record system in the State of Vermont. State criminal history records are currently manual. This award to the State Police will support the purchase of computer hardware in order to establish an automated capability for the creation and transmission of criminal history files electronically.

49a. **Virginia** \$493,346 [\$499,991 original award] (9/1/91-12/31/92)--In coordination with the State Police and the Virginia Supreme Court, the Department of Criminal Justice Services will improve the existing automated disposition reporting system, establish an optical scanner interface between local courts and the central repository, reduce the existing backlog, modify software to create a felony flag, and extract Offender-Based Transactions Statistics (OBTS) data.

49b. **Virginia** \$399,692 (10/1/92-9/30/94)--This is a Phase II application that will enable the Virginia Department of Criminal Justice Services to create a system to allow the repository to track arrest/disposition work-in-progress flows, develop a model automated system to allow local dispositions to be reported to the State, create a mechanism to permit the integration of existing local automated court systems with the Supreme Court, conform to the reporting requirements for the Immigration and Naturalization Service (INS), and improve correctional information reporting.

50a. **Washington** \$423,799 (10/1/90-9/30/91)--An initial 12-month effort by the State Patrol will identify felony convictions, eliminate a disposition backlog, increase training in State and Federal reporting, and develop a detailed implementation plan.

50b. **Washington** \$497,030 [\$497,870 original award] (10/1/91-12/31/92)--Subsequent tasks include improving the computerized criminal history record system, meeting voluntary reporting standards of the BJS/FBI, participating in the FBI's III program, improving support for the Identification Division, and initiating a pilot electronic arrest project and an electronic disposition reporting project.

51a. West Virginia \$155,051 (10/1/90-9/30/94)--With no existing automated system, the West Virginia Department of Public Safety conducted a needs analysis and produced a system design report. These will lead to the development of a computerized criminal history system. Upon completion, criminal history records will be automated.

51b. West Virginia \$393,000 (4/1/93-12/31/94)--This is a Phase II application that will enable the West Virginia DPSA to continue to improve the efficiency and data integrity of criminal history records in West Virginia by carrying out a set of tasks which will increase the completeness and accuracy of criminal history reporting, particularly dispositions. The ultimate goal of the project is to implement a fully operational Computerized Criminal History (CCH) system in the State.

52a. Wisconsin \$196,785 (10/1/90-2/29/92)--Activities conducted by the Office of Criminal Justice Plans and Analysis include reducing a backlog of disposition reports and FBI identification data, developing a "tickler" system to monitor the submission of dispositions, and providing an interface between two automated files to identify convicted felons.

52b. Wisconsin \$636,319 (2/1/92-9/30/94)--Wisconsin will test and implement a felony flag routine and an automated tickler system for the electronic entry of court dispositions. Additional activities include changing the existing name soundex system to conform to NCIC standards, planning activities for III participation, and further reducing a backlog of court dispositions.

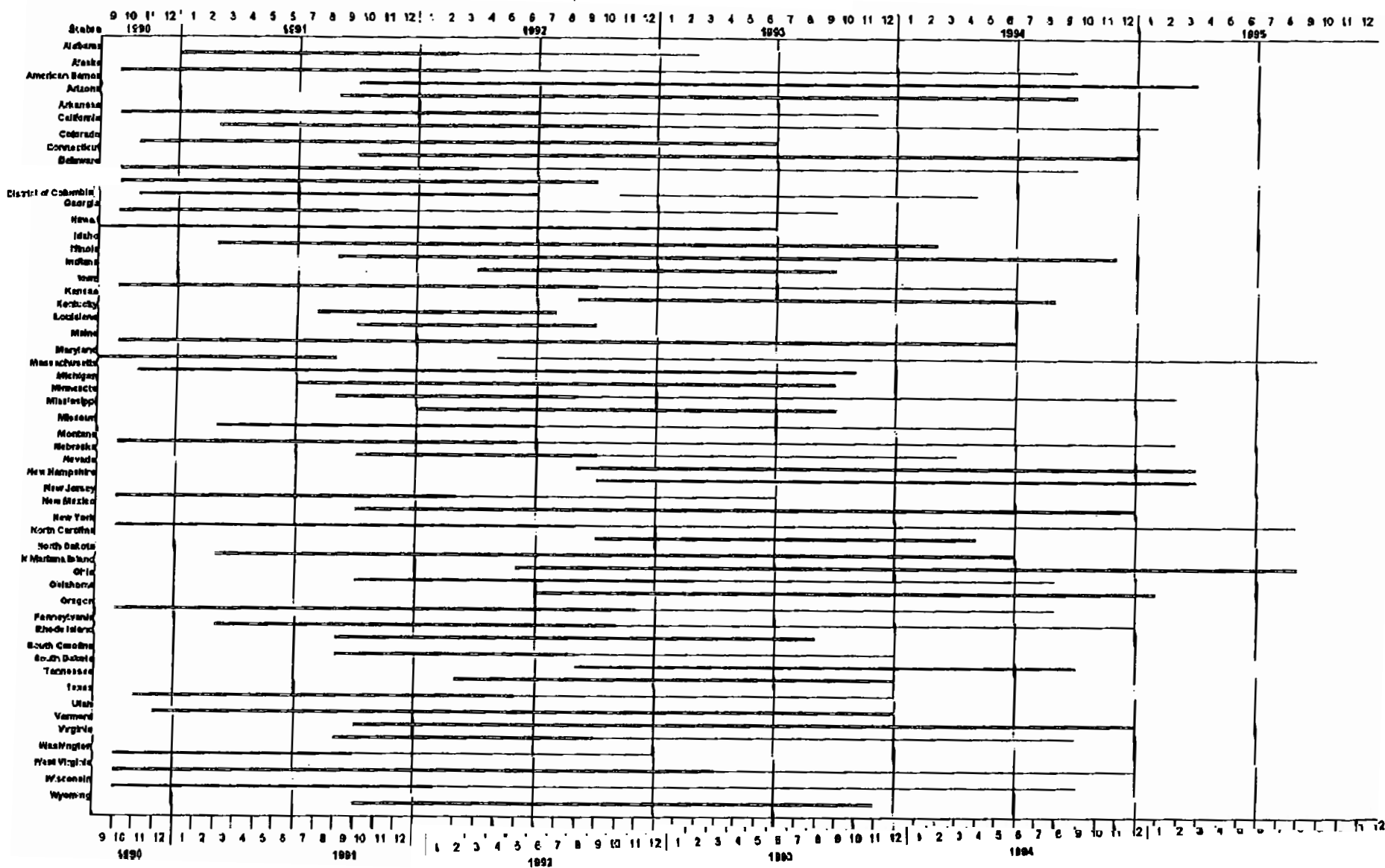
53. Wyoming \$127,919 [\$134,234 original award amount] (10/1/91-11/30/93)--The Division of Criminal Investigation's goal of an enhanced criminal history repository will be realized by automating 7,800 manual arrest records, modifying programs to identify felons, and installing 13 network controllers statewide.

TOTAL AWARDED THROUGH FICAL YEAR 1994: \$27,625,031

NOTE: As specified by Congress, an additional \$500,000 of Edward Byrne Memorial State and Local Law Enforcement Assistance funds was granted to Ohio and West Virginia for second-year projects.

Criminal History Record Improvement (CHRI) Program

Participating States
Projected End Dates



first year CHRI cooperative agreements
second year CHRI cooperative agreements

CHRI FEDERAL FUNDING LEVELS

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BUDGET	Personnel & Fringe	Travel	Equip.	Supplies	Contract	Constr.	Other	Indirect Expenses	11/18/94 Total Federal Funding
STATE									
Alabama I	171,972	8,580	866	3,674	19,093				204,185
Alabama II	12,715		13,360		211,852				237,927
Alaska I	36,100				190,250		16,000		242,350
Alaska II	102,380	7,797	72,120		244,523				426,820
American Samoa	27,912		72,072	10,000				2,858	112,842
Arizona *	284,309	7,250	35,500	6,614	250,907				584,660
Arkansas I	300,995	50,000		2,325	8,000		50,000		497,320
Arkansas II	299,349	27,670		13,600	25,000		600		366,219
California I	87,549	8,000			41,950			6,697	144,196
California II	181,719	7,378			240,000		4,875	25,804	459,578
Colorado *	319,746	21,000	89,785	6,350			19,400	17,732	454,013
Connecticut	29,123	6,296	25,000	15,000	378,201		48,977		500,000
Delaware I					374,848		1,126		375,976
Delaware II					309,925		830		310,855
District of Columbia			150,000		324,600				474,600
Florida I	84,052	1,875	143,237		85,000		11,595		325,759
Florida II		6,400	30,088		63,150		6,350		105,988
Georgia I	398,900			3,000					401,900
Georgia II		18,912			475,840		4,947		499,699
Hawaii	195,918			214	303,867				500,000
Idaho	90,811		14,500		130,000				235,341
Illinois	181,562	28,682			251,238			38,518	500,000
Indiana	268,661	10,950	44,732	3,252	105,000		501		433,096
Iowa I	133,072	2,000	57,000	1,500	210,450		11,100		415,922
Iowa II	42,391	1,000	2,000	900	303,808		2,100	9,326	361,525
Kansas	232,680		128,340				2,836		363,856
Kentucky			499,800						499,800
Louisiana	2,492	9,621	5,368	900	92,448		9,882		120,711
Maine *	123,000	2,500	237,688		114,900		22,500		500,566
Maryland I		850		350	80,000		701	1,831	83,832
Maryland II		3,000		700	580,000		12,000	42,523	638,223
Massachusetts	257,713	3,502	116,267	1,370	25,000		342	27,418	431,672
Michigan *	60,988	6,649	12,500	4,294	192,832			3,707	280,970
Minnesota I			65,000		200,784		1,500		267,284
Minnesota II	21,026				262,244		12,000		295,270
Mississippi		11,340			123,706				135,046
Missouri I	85,449		149,649	243,587					478,685
Missouri II	165,942		1,586	85,421	47,447				280,406
Montana I	64,926	4,308	14,380	1,000	7,200		850		82,064
Montana II	130,152	7,582	55,344		35,000		111,440		339,518
Nebraska I					160,000				160,000
Nebraska II					510,000				510,000
Nevada	61,795	1,000			219,125				281,920
New Hampshire	100,000		50,000		300,000			30,352	400,352
New Jersey I	54,390				373,366			14,415	442,171
New Jersey II					462,210			16,501	478,711
New Mexico	152,528	8,500	78,800	3,600	308,165				549,593
New York I	343,752	15,000	6,117					17,660	382,529
New York II	195,198	7,402	10,600		75,000		75,700	17,612	381,512
North Carolina	126,426	424	145,625	500	111,393		10,752		395,120
North Dakota	212,859	16,726	26,954	555	64,075		29,870		351,049
N. Mariana Islands	10,039	8,614	48,200	8,156	44,057		3,000		122,066

* includes supplemental award

I reflects first year award

II reflects second year award

CHRI FEDERAL FUNDING LEVELS

page 2 of 2

BUDGET	Personnel & Fringe	Travel	Equip.	Supplies	Contract	Constr.	Other	Indirect Expenses	Total Federal Funding
STATE									
Ohio I	181,099	757	22,770	2,000	251,623				458,249
Ohio II	246,741			800	127,859				375,000
Oklahoma			28,500		150,000				176,500
Oregon I			252,979	2,974	188,500				444,453
Oregon II		2,026		500	120,000		274		122,800
Pennsylvania I	339,890	7,000	5,800		150,000				502,690
Pennsylvania II	144,625	7,654	152,395				8,630		313,304
Rhode Island	236,725		15,850		10,000		9,450		272,025
South Carolina I	161,499	2,444	164,842		133,000		11,784	23,108	496,677
South Carolina II					354,000				354,000
South Dakota	41,000	17,690	185,890	2,808	57,950				305,338
Tennessee	301,821		72,348		59,115				433,384
Texas I	70,819	2,000		500	395,639		850		469,608
Texas II	35,208	2,880		1,500	307,512		2,652		349,750
Utah			15,600		221,187		113,203		350,000
Vermont	39,422	10,000	315,795	5,000					370,217
Virginia I	97,512	800	130,990	6,443	254,732		3,551	6,183	499,991
Virginia II	240,054	9,600	3,125		134,175		5,622	7,106	399,692
Washington I	171,027	10,000	17,232	14,000	155,000		6,000	50,540	423,799
Washington II	268,000		4,000		87,070		57,500	81,300	497,870
West Virginia I		11,266			143,765				155,031
West Virginia II			393,000						393,000
Wisconsin I	183,605		1,000	3,000				9,180	196,785
Wisconsin II	422,759	1,455	70,297	102,502				39,306	636,319
Wyoming	41,814	7,200	56,824		10,526		17,971		134,234
Subtotals	8,940,830	413,460	4,289,713	538,689	12,246,019	0	706,783	489,557	27,625,031
TOTAL									
% of Total	32%	1%	16%	2%	44%	0%	3%	2%	100%

* includes supplemental award

I reflects first year award

II reflects second year award

This table reflects all changes in budget categories, as of 11/18/94, approved by grantor agency.

CHRI ACTIVITY PARTICIPATION LEVELS

ACTIVITY	Identify Felony	Meet FBI Standards	Improve Reporting	Increase Auto MNI	Establish CCH	Add to CCH	Participate in III	Purchase Equipment	Backlog Reduction	Data Conversion	Other	Total Activities
STATE												
Alabama*			X					X			X	3
Alaska*		X	X			X	X	X				6
American Samoa			X	X	X			X		X		5
Arizona*	X	X	X				X		X			6
Arkansas*		X	X			X			X	X		5
California*	X	X	X				X		X		X	6
Colorado *		X	X			X						3
Connecticut			X					X		X		3
Delaware*		X	X	X		X				X	X	6
District of Columbia					X			X			X	3
Florida*			X					X			X	3
Georgia*				X		X	X					3
Hawaii			X			X			X		X	4
Idaho	X		X					X	X		X	5
Illinois	X		X				X					3
Indiana			X			X		X	X	X		5
Iowa*	X	X	X			X	X	X				6
Kansas	X	X						X			X	4
Kentucky	X	X						X			X	4
Louisiana		X	X									3
Maine*	X	X	X	X	X	X					X	7
Maryland *	X	X	X			X	X				X	6
Massachusetts		X				X		X		X		4
Michigan*			X			X	X		X	X	X	6
Minnesota*	X		X			X			X	X		5
Mississippi											X	1
Missouri*	X	X	X	X		X	X	X			X	8
Montana *		X	X	X				X	X			5
Nebraska*	X	X	X	X		X						5
Nevada	X	X					X		X			4
New Hampshire			X				X		X	X	X	5
New Jersey*											X	1
New Mexico	X	X		X	X			X				5
New York*			X					X			X	2
North Carolina				X		X		X	X	X		5
North Dakota	X	X	X			X	X	X		X		7
N Mariana Islands	X	X	X		X			X		X		6
Ohio*		X	X			X	X		X	X	X	7
Oklahoma			X	X					X	X		4
Oregon*			X					X			X	3
Pennsylvania*	X	X	X			X	X				X	6
Rhode Island	X		X					X		X		4
South Carolina*			X					X				3
South Dakota	X	X	X			X	X	X			X	7
Tennessee			X	X	X	X		X		X		6
Texas*			X			X	X		X	X		5
Utah	X		X					X			X	4
Vermont	X	X	X					X		X		5
Virginia*			X					X			X	3
Washington*	X	X				X	X	X			X	6
West Virginia*	X	X	X	X								4
Wisconsin*	X	X	X			X	X	X			X	7
Wyoming	X			X				X		X	X	5
Summary	26	27	41	13	6	24	18	30	15	19	29	247
% of States	47%	51%	77%	25%	11%	45%	34%	57%	28%	36%	55%	

* reflects second-year CHRI grant only

CHRI PROGRAM: Awards
Fiscal Years 1990-93

Fiscal year 1990

<u>State</u>	<u>BJS Control #</u>	<u>Original Award Amount</u>	
WI*	#0528	\$196,785	
NY*	#0529	\$382,529	[\$378,969]
DE*	#0535	\$375,976	
AR*	#0536	\$497,320	
ME*	#0537	\$374,566	
AK*	#0538	\$242,350	[\$223,147]
MT*	#0540	\$ 92,664	
OR*	#0542	\$444,453	
GA*	#0543	\$401,900	
DC*	#0545	\$474,600	
NJ*	#0546	\$442,171	[\$377,342]
MD*	#0547	\$ 83,832	
HI*	#0550	\$500,000	[\$499,998]
TX*	#0551	\$469,608	[\$428,751]
FL*	#0552	\$325,759	[\$284,044]
WA*	#0553	\$423,799	
IA*	#0556	\$415,922	
WV*	#0589	\$155,051	
Total # = 18		Total Amt = \$6,299,285	

[] award amount following deobligation
* project end-date passed and/or project has been closed

Fiscal year 1991

<u>State</u>	<u>BJS Control #</u>	<u>Original Award Amount</u>	
PA*	#1093	\$502,690	
CA*	#1197	\$144,196	
MO*	#1184	\$478,685	[\$475,033]
ND*	#1139	\$351,049	
ID*	#1104	\$235,341	[\$234,769]
AL*	#1114	\$204,185	
UT*	#1080	\$350,000	
CO*	#1089	\$220,443	[\$438,178] a
MA*	#1088	\$431,672	
MN*	#1424	\$267,284	
MI*	#1440	\$230,970	[\$219,469] a
KY*	#1510	\$499,800	
AZ*	#1544	\$264,660	
LA*	#1547	\$120,711	[\$108,000]
SC*	#1443	\$496,677	[\$470,296]
WY*	#1489	\$134,234	[\$127,919]
AS	#1495 (territory)	\$112,842	
OH*	#1553	\$458,249	
NE*	#1555	\$160,000	[\$159,998]
NM	#1556	\$549,593	
RI*	#1475	\$272,025	
VA*	#1496	\$499,991	[\$493,346]
WA*	#1554	\$497,870	[\$497,030]
IL	#1244	\$500,000	
VT	#1542	\$370,217	
CT	#1552	\$500,000	
GA*	#1548	\$499,699	
<u>Total # = 27</u>		<u>Total Amt = \$9,353,083</u>	

(Georgia and Washington received second year awards.)

- [] award amount following deobligation
 * project end-date passed and/or project has been closed
 a deobligation figure includes supplement

Fiscal year 1992

<u>State</u>	<u>BJIS Control #</u>	<u>Original Award Amount</u>	
IN*	#2103	\$433,096	[\$248,253]
MS*	#2129	\$135,046	[\$ 99,633]
AL*	#2132	\$237,927	
TN*	#2206	\$433,384	
DE*	#2092	\$310,855	
ME*	#2152 (supplement)	\$126,000	
WI	#2179	\$636,319	
NJ*	#2209	\$478,711	
AK*	#2232	\$426,820	
MO*	#2315	\$280,406	
AR*	#2418	\$366,219	[\$356,822]
NV	#2451	\$281,920	
NY	#2458	\$381,512	
MP	#2248 (territory)	\$122,066	
OK	#2424	\$176,500	
VA*	#2441	\$399,692	
CO*	#2289 (supplement)	\$233,570	
MD*	#2111	\$638,223	
MT	#2369	\$339,518	
TX*	#2384	\$349,750	[\$267,810]
KS*	#2454	\$363,856	
NE*	#2479	\$510,000	
SD*	#2406	\$305,338	
MI*	#2470 (supplement)	\$ 50,000	
NH	#2517	\$480,352	
NC*	#2385	\$395,120	
SC*	#2456	\$354,000	
MN	#2453	\$295,270	
IA*	#2436	\$361,525	

Total # = 29

Total Amt = \$9,902,995

(Indiana, Mississippi, Tennessee, Nevada, Mariana Islands, Oklahoma, North*arolina, South Dakota, New Hampshire, and Kansas received first year awards; the remaining awards were for second year projects.)

[] award amount following deobligation

* project end-date passed and/or project has been closed

Fiscal year 1993

<u>State</u>	<u>BJS Control #</u>	<u>Original Award Amount</u>	
CA*	#3103	\$459,576	
FL*	#3106	\$105,988	[\$57,497]
OR*	#3102	\$122,800	[\$ 0]
PA	#3104	\$313,304	
AZ	#3107 (supplement)	\$300,000	
OH*	#3231	\$375,000	
WV	#3175	\$393,000	
OR*	#4242	\$122,800**	

Total # = 7

Total Amt = \$2,069,668

(California, Florida, Oregon, Pennsylvania, Arizona, Ohio, and West Virginia received second year awards.)

[] award amount following deobligation

* project end-date passed and/or project has been closed

** funds deobligated from BJS# 3102 were reawarded

Summary Data

Total original award amount: \$27,625,031

Grand total awards (includes 4 supplement awards): 81

Active awards: 20 or 25% of total

Closed awards: 61 or 75% of total*

* Projects that have passed their end-date may or may not be programatically and/or fiscally closed.

All fiscal year 1991 projects are closed. 22 of the 27, 21 of the 29, and 4 of the 7 fiscal year 1992, 1993, and 1994, projects, respectively, are closed. Ten projects will continue into calendar year 1995.

BUREAU OF JUSTICE ASSISTANCE
CRIMINAL JUSTICE RECORDS IMPROVEMENT PROGRAM
STATUS OF PLAN APPROVAL AND FUNDING

<u>STATE</u>	<u>DATE PLAN APPROVED</u>	<u>FY92 FUNDS RELEASED</u>	<u>FY93 FUNDS RELEASED</u>	<u>FY94 FUNDS RELEASED</u>
ALABAMA	12/9/93	\$ 310,230*#	\$ 344,200	\$ 296,540
ALASKA		\$ 92,600*	\$ 0	\$ 0
AMERICAN SAMOA		\$ 0	\$ 0	\$ 0
ARIZONA	1/29/93	\$ 317,600	\$ 320,050	\$ 278,440
ARKANSAS	7/28/92	\$ 222,650	\$ 0	\$ 192,990
CALIFORNIA	6/30/93	\$2,204,400	\$2,217,450	\$1,890,390
COLORADO		\$ 40,000*#	\$ 0	\$ 0
COMM. NMI	7/18/94	\$ 19,602	\$ 19,569	\$ 18,246
CONNECTICUT	1/18/94	\$ 290,300	\$ 287,350	\$ 0
DELAWARE	12/9/93	\$ 101,000	\$ 101,350	\$ 0
DISTRICT OF COLUMBIA	1/25/93	\$ 96,700	\$ 95,500	\$ 71,865
FLORIDA	10/28/93	\$ 987,350	\$ 998,850	\$ 174,215#
GEORGIA		\$ 425,475*#	\$ 95,000*#	\$ 0
GUAM	2/22/94	\$ 62,500	\$ 62,350	\$ 47,430
HAWAII	12/23/92	\$ 132,900	\$ 133,750	\$ 102,510

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<u>TATE</u>	<u>DATE PLAN APPROVED</u>	<u>FY92 FUNDS RELEASED</u>	<u>FY93 FUNDS RELEASED</u>	<u>FY94 FUNDS RELEASED</u>
DAHO	12/16/93	\$ 125,600	\$ 126,900	\$ 113,540
ILLINOIS	12/15/92	\$ 878,500	\$ 875,300	\$ 743,440
INDIANA	3/23/94	\$ 453,300	\$ 452,600	\$ 387,540
IOWA	9/14/92	\$ 253,450	\$ 252,000	\$ 0
KANSAS		\$ 43,000*#	\$ 0	\$ 0
KENTUCKY		\$ 319,050*	\$ 0	\$ 0
LOUISIANA	2/27/92	\$ 357,700	\$ 355,850	\$ 305,540
MAINE	10/20/92	\$ 141,550	\$ 140,850	\$ 0
MARYLAND	12/22/92	\$ 398,250	\$ 0	\$ 342,590
MASSACHUSETTS	12/17/92	\$ 487,450	\$ 480,100	\$ 362,160
MICHIGAN	11/12/93	\$ 724,250	\$ 720,350	\$ 612,640
MINNESOTA	4/15/93	\$ 368,900	\$ 0	\$ 280,665
MISSISSIPPI		\$ 25,000*#	\$ 0	\$ 0
MISSOURI	2/21/92	\$ 422,450	\$ 0	\$ 0
MONTANA	7/2/92	\$ 110,600	\$ 110,450	\$ 99,090
NEBRASKA	10/7/92	\$ 166,900	\$ 166,400	\$ 145,690
NEVADA		\$ 0	\$ 0	\$ 0
NEW HAMPSHIRE		\$ 65,000*#	\$ 0	\$ 0

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<u>STATE</u>	<u>DATE PLAN APPROVED</u>	<u>FY92 FUNDS RELEASED</u>	<u>FY93 FUNDS RELEASED</u>	<u>FY94 FUNDS RELEASED</u>
NEW JERSEY	7/2/93	\$ 611,200	\$ 605,750	\$ 0
NEW MEXICO		\$ 0	\$ 0	\$ 0
NEW YORK	3/17/93	\$1,352,300	\$1,339,500	\$1,012,590
NORTH CAROLINA		\$ 0	\$ 0	\$ 0
NORTH DAKOTA	3/30/92	\$ 99,000	\$ 98,100	\$ 0
OHIO	12/9/93	\$ 836,350	\$ 832,250	\$ 0
OKLAHOMA	12/17/93	\$ 280,100	\$ 279,100	\$ 0
OREGON	8/8/94	\$ 258,150	\$ 261,050	\$ 227,440
PENNSYLVANIA	6/12/92	\$ 911,050	\$ 905,100	\$ 0
PUERTO RICO		\$ 307,250*	\$ 13,723*	\$ 0
RHODE ISLAND	7/23/92	\$ 125,350	\$ 124,400	\$ 0
SOUTH CAROLINA	2/27/92	\$ 304,700	\$ 306,500	\$ 264,790
SOUTH DAKOTA		\$ 1,500*#	\$ 0	\$ 0
TENNESSEE		\$ 405,150*	\$ 405,750*	\$ 0
TEXAS	6/25/92	\$1,279,800	\$1,289,000	\$1,102,690
UTAH	1/29/93	\$ 177,300	\$ 179,000	\$ 158,040
VERMONT		\$ 0	\$ 0	\$ 0
VIRGINIA	12/16/92	\$ 499,800	\$ 500,750	\$ 0

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027

<u>STATE</u>	<u>DATE PLAN APPROVED</u>	<u>FY92 FUNDS RELEASED</u>	<u>FY93 FUNDS RELEASED</u>	<u>FY94 FUNDS RELEASED</u>
VIRGIN IS.		\$ 0	\$ 0	\$ 0
WASHINGTON	10/20/92	\$ 404,400	\$ 410,400	\$ 356,190
WEST VIRGINIA		\$ 182,400*	\$ 181,200*	\$ 0
WISCONSIN	12/9/93	\$ 406,200	\$ 405,900	\$ 348,490
WYOMING	12/18/92	\$ 85,650	\$ 0	\$ 0
TOTAL STATES WITH APPROVED PLANS	39			
TOTAL AMOUNT OF SET ASIDE		\$21,150,000	\$21,150,000	\$17,900,000
AMOUNT RELEASED		\$19,170,182	\$16,493,692	\$ 9,935,751
PERCENTAGE RELEASED		90.64%	77.98%	55.51%

NOTE: All amounts reflected (except those marked as explained below) are of the minimum required investment of five percent per award, whether or not the state is actually spending more than five percent of the Byrne Formula Grant funds on CJRI activities. For those states without approved plans, * indicates approval to use CJRI funds in advance of submission and approval of the plan and # indicates that the amount shown is less than the full five percent.

Updated 11/8/94.



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

EXECUTIVE SUMMARY

TO: THE ASSOCIATE ATTORNEY GENERAL

THROUGH: Laurie K. Robinson
Assistant Attorney General

FROM: Jan M. Chaiken, Ph.D.
Director

SUBJECT: Permitted uses of Brady grant funds

PURPOSE: To obtain approval from the AAG re allowed grant expenditures.

TIMETABLE: By Tuesday, October 28, 1994.

DISCUSSION: BJS is drafting a program announcement for grants to states under Brady and Child Protection Acts. The program is summarized in the attached memorandum.

RECOMMENDATION: To approve BJS proposed expenditures of Brady grant funds.

APPROVE

DISAPPROVE

October 25, 1994

MEMORANDUM TO: John Schmidt
Associate Attorney General 

THROUGH: Laurie Robinson
Assistant Attorney General

FROM: Jan M. Chaiken, Ph.D.
Director 

Subject: Permitted uses of Brady grant funds

BJS is presently preparing the program announcement for the National Criminal History Improvement Program (NCHIP) -- our name for the grant program that will implement Section 106(b) of the Brady Act and Section 4(b) of the National Child Protection Act. As you know, when I wrote to you on September 28, 1994, I suggested a high-visibility grant program. After consulting with the OJP Office of General Counsel, I have decided to sharpen and limit the nature of the planned program.

Core expenditures for criminal history record improvements

The clear language of both statutes permits establishing and enhancing computerized criminal history (CCH) record systems and improving access to, and interface between, such systems and the national instant criminal background check system (NICS). Although there is no definition of "criminal history records" in either of these statutes (or in any statute, as far as we know), we are interpreting the term in the context of 28 CFR Part 20 and the past history of DOJ's Criminal History Record Improvement (CHRI) grants to refer to fingerprint-based records of individuals which contain information about one or more arrests of that person and any or all subsequent events in criminal justice processing, such as fingerprinting, court disposition, incarceration, parole, etc.

Included under this authority, states will be authorized to expend funds to improve the quality of criminal history records (with emphasis on automation and disposition capture), to increase participation in the FBI's Interstate Identification Index (III), and to upgrade the accessibility of records for

presale and preemployment checks (primarily through record flagging).

Although the Brady Act appears to focus on felony arrests (Section (a)(3)(B)(i) provides that an applicant for a handgun must state that he or she "is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year") it does not state any limitation on the kinds of criminal histories that are to be improved through the grant funding, and the Child Protection Act includes language that clearly extends beyond record reviews of felony convictions (Section 5(3) defines a "child abuse crime" as "a crime committed under any law of a State ..."). Accordingly, NCHIP funds will be available to increase system access to nonfelony records, particularly in areas relating to child or domestic abuse or crimes against the elderly or disabled. (The extension to elderly and disabled arises from the amendment to the Child Protection Act in Section 320928 of the Crime Act.)

Additionally, in order to permit states to identify persons with records involving child, elderly, or disabled abuse, funds will also be allowed to be used to establish an interface between criminal history record systems and state incident-based reporting systems which include data describing victim characteristics. Also consistent with Section 40602 of the Crime Act, states will be encouraged to develop procedures to ensure that information on convictions relating to stalking and domestic abuse are included in the criminal history data base.

Additional planned permitted categories of expenditures

In addition to funding core improvements to criminal history records, BJS will provide a limited amount of NCHIP funds (not to exceed \$4-5 million) to selected states to assist in the identification of persons other than felons who are prohibited from purchasing firearms under 18 USC 922 (g) and (n). The purpose of this effort will be to support the long term goal of the permanent system established under Section 102(b) of the Brady Act by enhancing the effectiveness of the NICS.

Since the scope of the NICS as presently being implemented by the FBI extends to all categories of records which may make a person ineligible to purchase firearms, a limited number of states will be invited to apply for an additional award to cover costs associated with development of procedures to access data on non-CCH categories of prohibited firearm purchasers. Since the key

to this effort is the extent to which such records can be made accessible to the system being contacted for the background check, responsibility for these projects will be required to be maintained by the agency with responsibility for maintenance of records for criminal background checks.

In addition, the Crime Act amended the Brady Act to prohibit firearm purchase by persons subject to a protective order for domestic abuse. Such orders, although not technically criminal, are enforced by the criminal justice system, which depends on the availability of data records on such persons for implementation. Accordingly, BJS will permit grant funds to be expended to develop and/or access such records. BJS will permit states to make such expenditures, provided that such expenses are incidental to the overall activity to be supported under the grant and that the agency with responsibility for maintenance of the criminal record database is also the agency with responsibility for acquisition of such records.

Coordination with the Byrne five-percent setaside grant program

The Byrne formula grant program, as amended by Section 106 (a) (4) of the Brady Act, includes a set-aside of at least five percent which is to be used for improving "criminal justice" records and "improving state record system ...for the purpose of implementing the Brady Act", a category that includes information about persons other than felons ineligible to purchase firearms and also those who are subject to a protective order for domestic abuse. The guidelines for the set-aside portion of the Byrne program are, according to Section 509(c) of the Omnibus Crime Control Act, to be prepared by "the Director, BJA, in consultation with the Director of the Bureau of Justice Statistics." In fulfilling this legislative authority, BJS plans to help BJA draft guidelines that will encourage states to develop and improve record systems that will constructively supplement the state's NCHIP funding and will help meet overall legislative purposes of the Brady Act and the Crime Protection Act.

Funding priorities

Under the NCHIP program as presently proposed, all states will receive an award to upgrade their criminal record system. This fulfills the mandate set forth in Section 106(b) of the Brady Act which requires that "the Attorney General, through the Bureau of Justice Statistics, ... make a grant to each state...(emphasis supplied)". In order to implement the requirement that "preference...(be given)...to states...(with)...the lowest

percent currency of case *dispositions in computerized criminal history files* (emphasis supplied)", states with automation/disposition levels below a designated level, to be determined after BJS has the results of its 1993 survey of state CHRI systems (to be available in November 1994), will be eligible to apply for additional funds from a pool set aside for this purpose. Such states will only be permitted to expend funds for the core purposes (improvement of criminal history records only).

In the remaining states, the majority of which are either recent or partial participants in III, use of funds will nonetheless be primarily limited to criminal history record improvement as described above, but applications for acquiring and automating records of protective orders for domestic abuse will also be entertained.

Only a few states (demonstration states) will receive NCHIP funds to identify existing (or nonexistent) state data bases for identifying persons other than felons ineligible to purchase handguns and to analyze problems in accessing non-CCH data. We expect that these funds will be used to develop model protocols for data access which can later be implemented by other states with Byrne funds. States will be eligible for this category of funding only if they have already surpassed specified thresholds of automation of criminal history records and completeness of dispositions in such records.

Programmatically, we feel this is a desirable approach since, given the high costs expected to be involved in accessing data other than criminal history records, the development of models with NCHIP funds should maximize the effectiveness of Byrne funds used for similar purposes. To achieve this result, BJS plans to evaluate the model programs and to make the results of such evaluations available to states through technical assistance or BJS documents. Additionally, BJS anticipates that the Byrne Guidelines, to be issued this Fall, will require that states planning to use funds for systems to access data other than felony indictments or convictions for background checks must demonstrate that the proposed efforts have been coordinated with the model activity supported under the NCHIP program.

Status of current activity

Consistent with my letter of September 18, BJS is still aiming to finalize the program announcement for the NCHIP program by October 31.

Decision Issue: Funds appropriated to implement Section 106(b) of the Brady Act may be used for the purposes described in this memorandum.

Concur

Non-concur

Attachments: Text of relevant grant portions of Brady and CPA.

and the Federal Bureau of Investigation may not exceed the actual cost of the background check conducted with fingerprints. The States shall establish fee systems that insure that fees to non-profit entities for background checks do not discourage volunteers from participating in child care programs.

SEC. 4. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION. 42 USC 5119b.

(a) **USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.**—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

- (1) in paragraph (2) by striking “and” after the semicolon;
- (2) in paragraph (3) by striking the period and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the child abuse crime records required under the National Child Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.”

(b) **ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.**—(1) The Attorney General shall, subject to appropriations and with preference to States that, as of the date of enactment of this Act, have in computerized criminal history files the lowest percentages of charges and dispositions of identifiable child abuse cases, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this Act;

(B) for the improvement of existing computerized criminal history files for the purposes of this Act;

(C) to improve accessibility to the national criminal history background check system for the purposes of this Act; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal history background check system for the purposes of this Act.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of \$20,000,000 for fiscal years 1994, 1995, 1996, and 1997.

Appropriation
authorization

(c) **WITHHOLDING STATE FUNDS.**—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce, by up to 10 percent, the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 that is not in compliance with the requirements of this Act.

SEC. 5. DEFINITIONS.

42 USC 5119c.

For the purposes of this Act—

(1) the term “authorized agency” means a division or office of a State designated by a State to report, receive, or disseminate information under this Act;

(2) the term “child” means a person who is a child for purposes of the criminal child abuse law of a State;

(3) the term “child abuse crime” means a crime committed under any law of a State that involves the physical or mental

required by the Attorney General under section 103 of the Brady Handgun Violence Prevention Act, for the purpose of implementing that Act.”.

18 USC 922 note.

(b) ADDITIONAL FUNDING.—

(1) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—

The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the creation of a computerized criminal history record system or improvement of an existing system;

(B) to improve accessibility to the national instant criminal background system; and

(C) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under paragraph (1), which may be appropriated from the Violent Crime Reduction Trust Fund established by section 1115 of title 31, United States Code, a total of \$200,000,000 for fiscal year 1994 and all fiscal years thereafter.

TITLE II—MULTIPLE FIREARM PURCHASES TO STATE AND LOCAL POLICE

SEC. 201. REPORTING REQUIREMENT.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) in the second sentence by inserting after “thereon,” the following: “and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place.”;

(2) by inserting “(A)” after “(3)”; and

(3) by adding at the end thereof the following:

“(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.”.

Records

Certification.

November 1, 1994

National Criminal History Improvement Program (NCHIP)

Background and Publication Schedule: Summary

(1) The National Criminal History Improvement Program (NCHIP) implements the grant provisions of the Brady Act (Section 106 (b)) and the Child Protection Act (Section 4).

(2) One hundred million dollars was appropriated to the Bureau of Justice Statistics for this purpose in FY 1995. Of this amount, \$6 million is being transferred to the FBI for implementation of the National Instant Criminal Background Check System (NICS) and \$1 million is available for Federal administration. Consistent with the legislative history, BJS is also reserving \$5 million to cover costs of technical assistance, coordination, and evaluation.

(3) The NCHIP program will be announced in a Program Announcement to be published in the Federal Register. Copies will also be printed under separate cover and sent directly from BJS to the Governor, the agency with responsibility for the criminal history record system (the state repository), the agency administering the Byrne formula grant program funds in the state, and the state statistical analysis center.

(4) The Program Announcement will describe all requirements for submission of an application and will serve as the "application kit".

(5) As required under the Brady Act, every state will receive at least one award (provided that they submit an application).

(6) To implement the Brady mandate that preference be given to states with lowest levels of dispositions in automated records, \$5 Million is being reserved for additional awards to states in this category ("least-advanced" states).

(7) Applications may be submitted at any time after publication of the announcement. All efforts will be made to ensure that awards are made no later than 90 days after submission of the application. For funding in FY 1995, applications should be submitted by August 1995.

(8) The program allows the state to designate the agency to submit the application and administer the program. Only one application will be accepted from each state but states may opt to apply as part of a multi-state consortium.

(9) The NCHIP program is being closely coordinated with the Byrne Formula program's setaside of at least 5% for criminal history

records improvement. To achieve this goal, BJS will be working jointly with the Bureau of Justice Assistance (BJA) to develop Guidelines governing use of Byrne 5% setaside funds. Additionally, the NCHIP application must describe previous activities funded under the Byrne program and describe proposed uses of Byrne funds during the coming year. A state may opt to have the section of the NCHIP application which describes Byrne activity serve as its submission for a given year.

(10) The NCHIP program permits funding in three categories: Core activities; Permitted activities for selected states (extended core activities); and "Least advanced" state activities. All states will receive funds for core activities. Core activities focus primarily on enhancing the completeness and automation of criminal history records and improving the interface with the FBI's National Instant Criminal Background Check system (NICS). Core funds can also be used to interface with state systems which permit identification of crimes against children, the elderly and disabled, to ensure that conviction data on stalking and domestic violence are included in the data base, and to support audits and related research efforts.

"Extended core" activities include efforts to develop an interface between the criminal history record system and other data bases which include information on persons other than felons who are prohibited from purchasing a firearm under the Brady Act. Only selected states which have already achieved high levels of data completeness and participate in III may apply for these funds which will be in addition to funding under the core program. A total of 5% Million will be reserved for this purpose for the life of the program.

A \$5 million reserve will also be established to provide extra funding for the "least advanced" states. States will be designated for this category based on results of the BJS Survey of State CHRI Systems to be released in November. (States will be advised no later than December. If the state has already submitted its application for core funds, a request for the additional funding may be submitted as a supplement to the original application and will get priority processing). "Least advanced" states will also receive priority technical assistance.

(11) The goals and design of the NCHIP program noted above were described in a memorandum from Jan Chaiken, Director, BJS, that was approved by John Schmidt, Associate Attorney General on October 26.

The memo indicated that BJS would finalize the program announcement by October 31, 1994. BJS has indicated in DOJ briefing material that the final Program Announcement would be released by mid-November.

(12) By letter dated October 13, 1994, Jan Chaiken, advised the Governor of each state about the NCHIP program and indicated that the state would be required to designate the agency to administer the program as part of its application. The letters included personalized references to the agencies in the state which had

dealt with BJS previously and referred specifically to the SEARCH representative in the state. To date we have received only one designation (Anne Richards, Texas), and received several telephone inquiries concerning the program (Utah, Illinois, New Mexico, DC, West Virginia). There have been no complaints. BJS also described the program in Conferences sponsored by SEARCH and the Justice Research and Statistics Association (JRSA).

(13) The BJS finalized Program Announcement was sent today (November 1) for review by OJP Office of General Counsel. A copy was also sent to SEARCH Group, Inc. and to the Justice Research and Statistical Association. Jan Chaiken provided the draft Announcement to Nancy Gist, Director, BJA on October 31, 1994. Jan Chaiken also spoke extensively with Gail Hoffman on October 31, discussing the Announcement.

(14) Since Associate Attorney General Schmidt approved the program as described in the memorandum, we do not anticipate any major problems with the Announcement.

(15) Assuming approvals, it takes 5 working days to publish in the Federal Register. We are advised by our publications unit that it will take approximately 5 working days to print the copies which we plan to send directly to the Governors et al. If a document is fully approved by the end of next week (November 10), it can be ready for distribution by the promised mid-November deadline.



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

October 13, 1994

Sample

The Honorable Jim Folsom
Governor of Alabama
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

Dear Governor Folsom:

I am pleased to announce the initiation of the National Criminal History Improvement Program (NCHIP). The program will provide financial and technical assistance to all states to improve their ability to identify criminal histories of felons and other persons ineligible to purchase firearms or to hold positions involving children, the elderly, and the disabled.

The grant program was established under the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993 with a total authorized funding level of \$220 million. Beginning October 1, 1994, Congress made \$100 million available to support the program. Of this amount, Congress directed that \$6 million be used by the Federal Bureau of Investigation (FBI) to implement the National Instant Criminal Background Check System.

The long-term goals of the NCHIP grant program, to be administered by the U.S. Department of Justice through its Bureau of Justice Statistics (BJS), are to improve national public safety by helping to prevent illegal firearm purchases and to ensure that persons with responsibility for child care, elder care, or care of the disabled do not have disqualifying criminal records. In support of these goals, the program encourages states, through financial assistance, to enhance the quality of and accessibility to criminal history records, the key component of the system. States will also be encouraged to develop procedures for compliance with record-related requirements of the Violent Crime Control Act by indexing data on persons convicted of stalking or domestic violence, and persons under civil restraining orders, and by developing record keeping capabilities for monitoring progress toward goals that they establish.

The NCHIP grant program, as one component of a bipartisan Federal assistance effort to address the nation's overall crime control strategy, offers assistance to extend your state's earlier efforts to improve criminal records. The advances made by all states in recent years to upgrade the quality and utility of criminal records are substantial, and we believe the current program will enable states to make even further strides in this important effort.

The NCHIP program is designed to focus funding on those areas of weakness which your state identifies as currently limiting the effectiveness of criminal histories for use in background checks. For example, these could be previously identified weaknesses such as incomplete recording of court dispositions or inability to transmit fingerprints electronically, or they could be weaknesses related to new requirements of law, such as identifying persons indicted for a felony but not yet convicted or persons convicted of domestic violence, stalking, or crimes against children, the elderly, or disabled persons.

By letters dated May 27 and June 20, 1994, Attorney General Reno advised each state of a timetable for achieving compliance with the Brady Act and the Child Protection Act of 1993. This timetable was based on a survey of state criminal record systems conducted for BJS by SEARCH, The National Consortium for Justice Information and Statistics. On behalf of myself and BJS, we wish to thank Major Jerry Shoemaker, Chief, Bureau of Investigation, Department of Public Safety, the SEARCH member in your state, for full cooperation and assistance in connection with this survey and in providing general support for record improvement. As noted in Attorney General Reno's letters, the NCHIP funding is intended to assist states in meeting the timetable goals.

The Bureau of Justice Statistics is closely coordinating the NCHIP program with the Byrne formula grant program administered by the Bureau of Justice Assistance (BJA) in order to eliminate duplication and to simplify your state's application process. The Byrne grant program includes a set-aside of at least five percent dedicated to improvement of criminal justice records. Under this program, states may choose to address various aspects of record improvement that will help achieve the purpose of the Brady Act and the Violent Crime Prevention Act, such as identification of persons other than felons who are ineligible to purchase handguns, enhancing linkage with victim characteristics recorded in the FBI's National Incident-Based Reporting System (NIBRS), or providing linkages to records of protective orders related to domestic violence. Federal guidelines will be issued to clarify priorities for expending these funds and the relationships between Byrne and NCHIP grants.

The application process for the NCHIP program will require that your state designate the agency to submit the application and administer the award. Because the program may encompass a broad range of activities, we anticipate that a variety of agencies may be involved. Over recent years, the Office of Justice Programs (OJP) has developed close working relationships with numerous state agencies involved in the maintenance and analysis of criminal records. These include the Alabama Criminal Justice Information Center (the agency that administered the BJS Criminal History Record Improvement [CHRI] program, maintains the state's incident-based crime reporting system, and operates the State Statistical Analysis Center which is partly funded by BJS) and the Law Enforcement Planning Agency (the agency responsible for administering the BJA Byrne formula grant 5% set-aside funds).

We are presently preparing the program announcement governing the administration of the NCHIP program. Since our goal is to award program funds to the states as soon as possible, the program announcement governing awards during Fiscal 1995 will be finalized by October 31, 1994.

We welcome comments suggesting priorities that might be addressed under the program or other related matters. Because of the time constraints, we may not be able to address your comments and concerns in the October 31 announcement. However, comments are most welcome now or after the program announcement is published and will be considered carefully in any future BJS actions or announcements related to awards under this program. BJS will also be pleased to respond to any inquiries concerning designation of an appropriate state agency to apply for and administer funds awarded under this program.

I believe the NCHIP funds will help make important strides in countering violent crime. We look forward to working closely together with your state to achieve a safer society. If you have any questions concerning these matters, please contact Carol Kaplan, Assistant Deputy Director (202) 307-0759.

Sincerely,

Jan M. Chaiken, Ph.D.
Director

BURKE

November 17, 1994
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PROGRAM ANNOUNCEMENT

NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM ("NCHIP")

Summary: The Bureau of Justice Statistics (BJS) is publishing this notice to announce the initiation of the National Criminal History Improvement Program (NCHIP) in Fiscal Year 1995. The grant program implements the grant provisions of the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993, and those provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and Violent Crime Control and Law Enforcement Act of 1994 which pertain to the establishment, maintenance, or use of criminal history records and criminal record systems.

This program announcement describes procedures applicable to awards to be made under the NCHIP program during FY 1995. A program announcement applicable to funding appropriated for years after FY 1995 will reflect comments received during the intervening time. Updated guidelines governing use of Byrne Formula funds pursuant to the 5% set-aside established under Section 509 of the Omnibus Crime Control And Safe Streets Act of 1968, as amended, will be issued shortly by the Bureau of Justice Assistance (BJA), in consultation with BJS. The Byrne Guidelines should be considered together with this program announcement in developing a state's program to meet the goals of the Brady Act and the Child Protection Act.

SUPPLEMENTARY INFORMATION

PROGRAM GOALS: The goal of the NCHIP grant program is to improve the nation's public safety by: facilitating the accurate and timely identification of persons who are ineligible to purchase a firearm; ensuring that persons with responsibility for child care, elder care, or care of the disabled do not have disqualifying criminal records; and enhancing the quality, completeness and accessibility of the nation's criminal history record systems.

More specifically, NCHIP is designed to assist states:

- to meet timetables for criminal history record completeness and participation in the FBI's Interstate Identification Index (III) established for each state by the Attorney General,
- to improve the level of criminal history record automation, accuracy, completeness and flagging,
- to expand and enhance participation in the FBI's Interstate

Identification Index (III) and the National Instant Criminal Background Check System (NICS),

- to develop model procedures for accessing records of persons other than felons (including persons subject to civil protective orders based on domestic abuse) who are ineligible to purchase firearms,

- to identify (through interface with the National Incident Based Reporting System (NIBRS) where necessary) records of crimes involving use of a handgun and/or abuse of children, elderly or disabled persons, and

- to ensure that states develop the capability to monitor and assess state progress in meeting legislative and programmatic goals.

To ensure that all NCHIP funded efforts support the development of the national criminal record system, the program will be closely coordinated with the FBI, the Bureau of Justice Assistance (BJA) and the Bureau of Alcohol, Tobacco and Firearms (BATF).

Funding under the NCHIP program is available to both those states which are subject to the 5 day waiting period ("Brady states") and those states which are operating under an alternative system pursuant to approval of the Bureau of Alcohol, Tobacco and Firearms (BATF) ("non-Brady states").

LEGISLATIVE BACKGROUND

The NCHIP program is authorized under Section 106 (b) of the Brady Act which provides that:

The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used (A) for the creation of a computerized criminal history record system or improvement of an existing system; (B) to improve accessibility to the national instant criminal background system; and (C) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

The provisions of 18 USC 922 (g) and (n), as amended by the Violent Crime Control Act of 1994, prohibit the sale of firearms to an individual who: (1) is under indictment for, or has been convicted in any court, of a crime punishable by imprisonment for a term exceeding one year; (2) is a fugitive from justice; (3) is an unlawful user of, or addicted to, any controlled substance; (4) has

been adjudicated as a mental defective or been committed to a mental institution; (5) is an alien who is illegally or unlawfully in the United States; (6) was discharged from the Armed Forces under dishonorable conditions; (7) has renounced his United States citizenship; or (8) is subject to a civil restraining order arising out of domestic or child abuse. The latter category was added as part of the Violent Crime Control Act of 1994.

The Brady Handgun Violence Prevention Act, enacted in November 1993 and effective in 1994, requires that licensed firearm dealers request a presale check on all potential handgun purchasers by the chief law enforcement officer in the purchaser's residence community to determine, based on available records, if the individual is legally prohibited from purchase of the firearm under the provisions of 18 USC 922 or state law. The sale may not be completed for 5 days unless the dealer receives an approval before that time. The 5 day waiting period requirement terminates in 1998, at which time presale inquiries for all firearms will be made only to the National Instant Criminal Background Check System (NICS). Section 103 of the Brady Act provides that NICS will supply information on "whether receipt of a firearm ...would violate (18 USC 922) or state law". As noted above, Section 106 (b) of the Brady Act establishes a grant program to assist states in upgrading criminal record systems and in improving access to, and, interface with, the NICS system.

In addition, Section 106 (a) of the Brady Act amended Section 509 (d) of the Omnibus Crime Control and Safe Streets Act to specifically provide that funds from the 5% set-aside under the Byrne Formula grant program may be spent for "the improvement of State record systems and the sharing ...of records ...for the purposes of implementing...(the Brady Act)."

The National Child Protection Act of 1993, as amended by the Violent Crime Control Act, requires that records of abuse against children be transmitted to the FBI's national record system. The Act also encourages states to adopt legislation requiring background checks on individuals prior to assuming responsibility for care of children, the elderly or the disabled. Section 4 of the Act establishes a grant program to assist states in upgrading records to meet the requirements of the Act. Under the definition set forth in Section 5 (3) of the Act, "child abuse crimes" include crimes under any law of the state and are not limited to felonies.

Both the Brady and Child Protection Acts required that the Attorney General survey the status of state criminal history records and develop timetables for states to achieve complete and automated records. The survey was conducted during March 1994, and Governors were advised of timetables by the Attorney General in letters of May and June 1994. The letters indicated that compliance with

timetable goals assumed availability of grant funds under each Act.

The NCHIP program implements the requirements of the grant programs established under both the Brady and Child Protection Acts.

In addition to the amendments noted above, Section 40602 of the Violent Crime Act authorized a program to assist states in entering data on stalking and domestic violence into local, state, and national data bases. Although funding was deferred, the Act emphasizes the importance of ensuring that data on convictions for these crimes are included in data bases being developed with Federal funds.

APPROPRIATION

Section 106 (b) of the Brady Act authorized \$200 million for the grant program; the Child Protection Act authorized \$20 million. An appropriation of \$100 million was made to implement Section 106 (b) of the Brady Act for FY 1995, to be available until expended. Of this amount, \$6 million is being made available to the FBI for NICS, \$1 million is available for Federal agency administration, and \$5 million will, consistent with the legislative history, be used to provide technical assistance to states, program coordination, and to undertake a program evaluation. Five million dollars will also be set aside to implement the requirement that preference be given to lesser developed states. In light of the overlap between Brady and Child Protection Act goals, funds from this appropriation may be used to meet related goals of the Child Protection Act.

PROGRAM STRATEGY

General: To achieve the goals of the NCHIP program, at least one grant will be made to each state with funds appropriated under the Brady Act. Technical assistance will also be provided under BJS grant awards to assist states in identifying areas of weakness, auditing record status, long term planning, and developing and implementing technical and administrative programs.

Funds under the Byrne Formula 5% set-aside program will also be available to support the improvement of record systems and to meet the goals of the Brady Act.

The NCHIP program includes three components: Core Activities; Permitted Activities in Selected States ("extended core activities"), and Least-advanced "Priority" State Activities.

Core Activities: Core activities focus on establishing and enhancing computerized criminal history (CCH) records and on improving access to and interface between such systems and the

national instant criminal background check (NICS) system. The Brady Act does not define the term criminal history record. As defined in 28 CFR part 20, and used in the BJS Criminal History Record Improvement (CHRI) program, however, the term is defined as: "information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any dispositions arising therefrom, sentencing, correctional supervision, and release...".

Specifically, core activities relating to basic system development, include efforts to improve the quality of criminal history records (with emphasis on automation and disposition capture), to increase participation in the FBI's Interstate Identification Index (III), and to upgrade the accessibility of records for presale and preemployment checks (primarily through record flagging). In addition to the above activities relating to basic system development, core activities include:

Non Felony records-- Consistent with the Child Protection Act which defines a "child abuse crime" within the context of "a crime committed under any law of a state", NCHIP core activities include efforts to increase system access to non-felony records, particularly in areas relating to child or domestic abuse or crimes against the elderly or disabled.

Interface with NIBRS-- In order to permit states to identify persons with records involving child, elderly, or disabled abuse, NCHIP core activities include efforts to establish an interface between criminal history record systems and any state data system which is compatible with NIBRS.

Information on stalking and domestic violence-- Consistent with Section 40602 of the Violent Crime Act, core activities include the development of procedures to ensure that information on convictions relating to stalking and domestic abuse are included in, and accessible through, the criminal history data base.

Research, evaluation, monitoring and audit-- In order to maximize the utility of information collected as part of the NCHIP program, core activities include continuing efforts to evaluate, audit, or monitor progress in meeting legislative or program goals through statistical or other related means, and specific research studies relating to use of handguns.

To ensure program continuity and emphasize criminal history record improvement in support of the NICS, the major portion of funds to be expended for core activities should be retained by the agency with responsibility for CCH records (if that is the agency designated to administer the program) or transferred directly to the agency with such responsibility. The application should indicate clearly the level of funds which will be made available to

this agency for this purpose. The application should also indicate the level of funds which will be made directly available to the courts where the courts are the appropriate source for data on dispositions or other record data.

Permitted Activities in Selected States ("extended core activities"):

In addition to funding core improvements to criminal history records, BJS will provide a limited amount of NCHIP funds (not to exceed \$5 million in total) to selected states to assist in the identification of persons other than felons who are prohibited from purchasing firearms under 18 USC 922 (g) and (n), as amended. The purpose of this effort will be to support the long-term goal of the permanent system established under Section 102(b) of the Brady Act by enhancing the effectiveness of the NICS.

In addition to previously identified non-computerized criminal history (CCH) categories, the Violent Crime Control Act amended the Brady Act to prohibit firearm purchase by persons subject to a civil restraining order arising out of domestic or child abuse. Such orders, although not technically criminal, are enforced by the criminal justice system, which depends on the availability of data on such persons for implementation.

Under the NCHIP expanded core program, funds can be used to evaluate the feasibility of accessing such records and to develop protocols for interfacing with non-CCH systems for purposes of background checks.

BJS will identify those states which are eligible to apply for funds to conduct such activities based on level of CCH development, participation in III, extent of automation and technical development, current efforts to interface with other categories of prohibited firearm purchasers (either within the state or interstate), and experience under the BJS CHRI program. States determined to be eligible will be notified by the end of December 1994. Funds will be in addition to funds provided for core activities, which will be required to be the major focus of the state's NCHIP program.

Selected states which wish to apply for funding under this category should include a separate component in their grant application describing such activities and proposing a budget to cover the proposed efforts. This request may be submitted as a supplement to the basic application.

States applying for funds under this section should understand that the goal of these efforts is to demonstrate the feasibility of multi-database interface for background check purposes and that the projects are intended to provide guidance to, and serve as models for, future implementation by other jurisdictions. In particular,

it is envisioned that the programs developed with NCHIP funds will serve as models for these efforts and that states will subsequently use Byrne 5% set-aside funds to develop system access to non-CCH data. For this reason, applications for funds under this section should include a description of proposed efforts to evaluate the success of activities undertaken and to prepare materials describing the project for exchange with other states. States should also realize that BJS will be documenting these efforts and that the applicant will be expected to provide input as requested by BJS for these materials.

In light of the importance of these demonstration programs to the overall BJS NCHIP program, BJS will provide additional technical assistance to the selected states to ensure that, together, the activities being funded will advance the development of the NICS at both the state and Federal level.

Least-advanced Priority State Activities ("priority state activities"):

Section 106(b) of the Brady Act requires that BJS give "preference to States that, as of the date of enactment... have the lowest currency of case dispositions in computerized criminal history files...". To implement this requirement, \$5 million will be set aside for states in this category. Designated states will also be eligible for priority technical assistance at no cost. The determination of states qualifying under this special provision will be made after release of the 1993 Survey of State CHRI systems. States will be notified by Dec. 31, 1994. States designated under this category may only use NCHIP funds to support the basic system development components of the core funding activity.

APPLICATION and AWARD PROCESS

Eligibility Requirements

Designation of agency to administer NCHIP program: To participate in NCHIP, the Governor of each state must designate an agency to submit an application and to administer the program. The agency should be the agency with primary responsibility for implementing the major activity to be funded with NCHIP funds or a parent agency with programmatic oversight over, and legislative authority to transfer funds to, such agency. Since the NCHIP program focusses on improvement of criminal records and interface with the NICS, BJS anticipates that, in a large number of cases, the NCHIP agency will have responsibility for maintenance of criminal records and liaison with the FBI and/or other record sources including NIBRS, if existing. As noted below, NCHIP procedures envision that strong state coordination will exist between the NCHIP and Byrne 5% set-

aside programs to avoid overlap and maximize funding effectiveness. It is not necessary that the NCHIP agency be the same as the agency with administrative authority over Byrne 5% set-aside funds. The application should indicate the basis for the selection of the NCHIP agency, justified in terms of the organizational posture of the selected agency and its role in meeting the goals of the Brady and Child Protection Acts.

Only one application will be accepted from each state for any period of funding. It is the responsibility of the Governor to select the applicant agency. A state may, however, choose to submit its application as part of a multi-state consortia or other entity. In such case, the application should indicate specific responsibilities, and include a separate budget for, each state. States may receive successive awards over time, assuming availability of funds.

Program Narrative:

In addition to the administrative requirements set forth in Appendix A to the program announcement, the NCHIP application should include the following four parts:

Part I- Background: This part should include a discussion of current and previous efforts relating to criminal history record improvement funded under the BJS CHRI program, the BJA Byrne 5% set-aside or with state funds over the past 3 years. The discussion should specify the amount of funds received under the BJS and Byrne programs and the funds remaining at the time of application. The section should also describe accomplishments with previous funding and the relationship to proposed NCHIP activities. A copy of the State plan and the most current update on the use of Byrne 5% set-aside funds, as submitted to BJA, should be appended, along with a copy of any other long term state plans for criminal history record improvement.

Part II- Identification of Needs: This part should discuss audit or other evaluative efforts undertaken to identify the key areas of weakness in the state's criminal record system and in its ability to identify ineligible firearm purchasers or persons ineligible to hold positions involving children, the elderly, or the disabled. Specific reference should be made to relevant studies and to the findings of any internal or external independent audits which have been completed in the past five years.

Part III- NCHIP effort: This part should describe the activities to be undertaken with NCHIP funds over the coming 36 month period. Specifically, each application should indicate the core activities to be undertaken to improve its criminal history system, to initiate or enhance participation

in III, to support the state's interface with the NICS, and to meet the timetable established by the Attorney General. The section should also discuss proposed efforts, if any, to identify particular offender types (either through interface with NIBRS or other means); to ensure that criminal records pertaining to stalking or domestic abuse are included in criminal record data bases; and to access data on persons subject to civil restraining orders arising out of domestic or child abuse. Discussions of proposed efforts to upgrade record completeness should indicate whether, and how, the courts or other record providers have been involved in preparation of the application and how funds will be made available to such entities.

Part III of the application should also describe the efforts to be supported to monitor state compliance with legislative or programmatic goals through ongoing audits or other means such as statistical analysis, comparison between CCH records and NIBRS or UCR data. Studies relating to handgun use or sales approval, if proposed, should be described in this section. The application should include evidence that, where appropriate, the state Statistical Analysis Center was consulted in connection with the development of such projects.

BJS is currently supporting the Firearm Inquiry STatistical ("FIST") program to develop national level data on Brady implementation. BJS will advise states by the end of December 1994 of the scope of this project. In support of the basic elements of this project, however, the application should describe procedures to collect data on the number of Brady inquiries, "hits", and captures (including the total number of queries against data bases other than the criminal history record). The application should also indicate procedures for collection of data on the number of background checks on persons seeking positions involving children, the elderly, or the disabled and the number of records with action in the past 5 years which are complete and automated. States receiving NCHIP funds will be required to participate in the FIST effort and to submit other information for evaluation programs instituted under the NCHIP program.

Permitted activities in selected states ("expanded core activities"): States selected to apply for extended core funds, may apply for additional funds to develop, and/or implement procedures to access information on persons other than felons/fugitives who are Federally prohibited from purchasing a firearm. In addition to describing proposed activities, interested states should justify their request for such funding in terms of current CCH development and participation in III, and indicate whether the state has already established any interface between the criminal record system and other relevant data bases. (See "allowable costs"

for covered expenses in this area)

In order to permit assessment of state progress in meeting grant goals, Part III of all applications should set forth measurable benchmarks or goals for each proposed activity.

Part IV- Relationship to Byrne 5% set-aside program: This Part should describe activity to be undertaken with Byrne 5% set-aside funds during FY 1995 and 1996. A key part of this submission is a description of the relationship between these activities and the activities to be supported under the NCHIP program. Where the state has previously submitted a 1995 update to BJA, a copy of the submission should be included in this Part to meet this requirement. Alternatively, a copy of the material developed for this Part, may be submitted to BJA as the state's 1995 update, consistent with any other requirements as set forth in the Byrne 5% set-aside Guidelines to be issued. In the latter case, the state should have this section prepared by the agency with responsibility for administering the Byrne funds, rather than the agency designated to administer the NCHIP program. The relationship between the Byrne 5% set-aside and the NCHIP program is discussed more fully below.

Coordination between NCHIP and the Byrne 5% set-aside program:

The Bureau of Justice Statistics and the Bureau of Justice Assistance have jointly agreed that close and continuing coordination between the NCHIP and Byrne 5% set-aside program is critical to meeting the goals of the Brady Act and the National Child Protection Act of 1993. Such coordinated efforts are also necessary to ensure the development of an effective interstate criminal history record system to meet the needs of law enforcement, the criminal justice community and the increasing number of non criminal justice users of criminal history record information. To achieve this goal, BJS and BJA will, consistent with the legislative requirements, work together to prepare guidelines governing use of the Byrne 5% set-aside funds. The guidelines, are expected to be finalized by the end of December 1994.

BJS expects that program plans for projects to be funded under NCHIP and the Byrne 5% set-aside will be coordinated by the state agencies responsible for these programs. Where costs of a proposed activity exceed NCHIP available funds or are unallowable under NCHIP, the state might, for example, use Byrne funds to fill remaining needs. This joint effort, we believe, will maximize the effectiveness of both of these programs.

Award Period:

The application should cover a three-year period with specific

information provided primarily for the first year. The budget should focus on first-year expenses with projections for years two and three. The application should identify those agencies to receive direct funding and indicate the fiscal arrangements to accomplish fund transfer.

Application Submission and Due Dates:

The goal of the NCHIP program is to ensure that all states receive funding support. Absent special circumstances, applications should be received by July 1, 1995 to be eligible for FY 1995 funding. Applications may be submitted at any time after publication of this announcement and will be reviewed and processed as received. Based on applications received by January 31, 1995, up to \$25 million of funds available for core activities will be awarded by April 15, 1995. This does not include additional awards which may be made from set-asides for "priority" states or states undertaking "expanded core" activities. Initial awards may represent partial funding for some states. Partially funded applications will be reconsidered for additional funding at a later date. The remainder of funds will be awarded after that date. Since approval of funding under the NCHIP program will be based on proposed activities and the overall availability of appropriations, states submitting applications after the January 31 deadline will not be disadvantaged in overall level of award.

As noted above, states eligible to apply for "priority state" funding or funding for "extended core activities" will be notified by the end of December 1994. If such a state has already submitted its application for core activity, the application for additional funds can be submitted as a supplement to the original application.

Allocation of funds:

To implement the "preference" requirement of the Brady Act, \$5 million will be set aside to provide additional funding for "priority" states. Another \$5 million will be set aside to cover the cost of expanded core activities in the states receiving an award to undertake such projects. \$5 million will also be used to cover costs of technical assistance, evaluation and coordination. The remainder of available funds will be allocated to cover the cost of core activities.

States may receive funding from the core allocation as well as either the fund for "priority" states or the fund established for "extended core" activity. Including both core funding and awards from the \$5 million set aside fund, the "priority" states will receive an aggregate of at least \$10 million. The \$5 million reserved for "priority" states and the \$5 million reserved for extended core activities represent the total funding for these purposes.

Review Criteria:

States should understand that full funding may not be possible for all proposed activities. Allocation of funds will be based on the amount requested and the following factors:

- (1) the legislatively mandated "preference to states which ...have the lowest percent currency of dispositions in computerized criminal history files" as of 1993;
- (2) the extent to which the proposed activities will enable the state to meet the timetables established for the state by the Attorney General;
- (3) the extent to which improvements in the state system, by virtue of record numbers, levels of technical development, or operating procedures, will have a major impact on availability of records throughout the national system;
- (4) the proposed use or enhancement of innovative procedures which may be of value to other jurisdictions;
- (5) the technical feasibility of the proposal and the extent to which the proposal appears reasonable in light of the state's current level of system development and statutory framework;
- (6) prior activity of the state with funds under the Byrne and CHRI programs;
- (7) state commitment to the national record system as evidenced by membership in III, and participation in the FBI's National Fingerprint File (NFF), Felon Identification in Firearms Sales (FIFS) programs, etc., and the current status of development of its CCH;
- (8) reasonableness of the budget;
- (9) evidence of state progress in meeting record improvement and background check goals as measured in terms of audits, and data collection relating to presale firearm checks, and background checks on persons seeking positions involving children, the aged and the disabled;
- (10) nature of the proposed expenditures;
- (11) the extent to which the plan reflects constructive interface between relevant components of the state organization and/or multi state systems; and
- (12) the reasonableness of the relationship between the proposed activities and the current state of the state system,

in terms of technical development, legislation, current fiscal demands, and future operating costs.

The program does not require either "hard" (cash) or "soft" (in-kind) match. Indications of state support, however, may be interpreted as expressions of commitment by the state to the program.

All applicants must agree to participate in evaluations sponsored by the federal government. Applicants must also agree to provide data relating to Brady Act activity to the Firearm Inquiry Statistics (FIST) program in the format designated by the FIST program.

Allowable Costs:

To the extent possible, awards will be made to cover all allowable costs. States receiving funds from the set aside for "priority" states, however, will be required to limit expenditures to purposes directly related to establishment of the basic elements of the criminal history record system and steps necessary to permit participation in III. Among the remaining states, use of funds for non-CCH purposes will be approved only to the extent that the state is making progress toward the improvement of the criminal history record system and interface with the III.

Allowable expenses are detailed below. All expenses are allowable only to the extent that they directly relate to programs described in the application's program narrative.

CORE ACTIVITIES

(1) Participation in the Interstate Identification Index (III): This is a key goal, and costs should be related to achieving full participation. Covered costs include, but are not limited to, costs associated with automation of the database (see limitations in (4) below), synchronization of records between state and FBI, and development of necessary software and hardware enabling electronic access on an intra or interstate basis.

(2) Data base enhancement: Improving the quality, completeness and accuracy of criminal history records is a key goal of the NCHIP effort. Allowable costs include the costs associated with implementing improved record capture procedures, establishing more effective accuracy controls, and ensuring that records of all criminal events that start with an arrest or indictment are included in the data base. In addition to felony records, limited funds may be used to capture data on serious misdemeanors, and to ensure that data on persons convicted of stalking and/or domestic abuse are included in the data base. Costs associated with capture of data on persons under civil restraining orders arising out of domestic or child abuse are also allowable. Use of funds for

capture of data on misdemeanors, persons convicted of stalking and persons under civil restraining orders will only be approved where the state has, or is actively undertaking efforts to upgrade, the basic elements of the criminal history record system.

(3) Improved disposition capture: Automated interface between the criminal history repository and the courts, prosecutor, and/or corrections agencies is encouraged. Funds provided to courts or prosecutors for these purposes are allowable only to the extent that the function to be supported is related to the capture of disposition or other data relating to the offender record. (eg. full costs associated with establishment of court MIS systems are not allowable under the NCHIP program).

(4) Record Automation: These are allowable costs only with respect to records where the subject has been arrested, indicted, convicted, or released from confinement within 5 years of the date of automation. As appropriate, allowable costs also include costs associated with system design in states with nonautomated systems or in states proposing to enhance system operation to include access to non-CCH data bases.

(5) Flagging of Records: This is an important activity. Allowable costs include costs of flagging, or algorithms used for flagging, felony records and records of persons with convictions for crimes involving children, the elderly and/or the disabled. Costs may include the cost of technical record flagging as well as the costs associated with identification of records to be flagged. (see (7) below re: interface with NIBRS)

(6) AFIS/Livescan: AFIS/livescan equipment for local law enforcement agencies is allowable to improve the level of arrest and disposition reporting, but only where: (1) the state repository system was automated, participating or looking toward participation in III, and had in place the technical capability to accept AFIS transmissions, and (2) sufficient traffic could be demonstrated to justify the cost, possibly through the use of regional systems.

AFIS in squad cars is not allowable since field inquiries are not a factor in checks under either the Brady Act or the Child Protection Act. Additionally, since data is not input to the system by the field unit, AFIS in the squad car would not support record improvement or completeness.

Livescan for use in courts is allowable to support record completeness. The same conditions regarding repository capability and levels of traffic are also applicable to costs in this category.

Costs associated with AFIS communication from the repository to the FBI national system (IAFIS) are allowable but only where the state can demonstrate adequate levels of record completeness (both arrest

and disposition) and current membership in III.

States should understand that Byrne 5% set-aside funds are available for AFIS and livescan, and that, accordingly, use of NCHIP funds for AFIS or livescan will only be allowable when justified as appropriate given the overall status of the state system, its participation in the national system and its planned use of Byrne 5% set-aside funds. This is particularly relevant as respects state proposals to use NCHIP funds to cover costs of local live scan equipment.

(7) Interface with NIBRS: Funds may be used to interface with any state data system which is compatible with NIBRS for purposes of identifying persons convicted of crimes against children, the elderly, or the disabled, or/or identification of records involving firearm crimes for operational or research purposes. NCHIP funds are not available, however, to develop the NIBRS database.

(8) Research, Evaluation, Monitoring and Audits: Costs associated with research or evaluation efforts are allowable to the extent that they are directly associated with a project approved in the application. Costs associated with monitoring state compliance with legislative or programmatic goals, through ongoing or periodic audits or other procedures, are allowable and encouraged. The purchase of equipment such as modems and the necessary communications and data software for storing and transmitting evaluative data between states and to BJS or other designated federal agency is an allowable expense.

(9) Conversion of juvenile records to the adult system: The Attorney General has recently amended Federal Regulations to allow the FBI to accept juvenile records if submitted by the state or local arresting agency. Expenditures to interface juvenile and adult records are allowable if consistent with relevant state law and undertaken to further the goals of the NCHIP program.

(10) Missing Dispositions Backlog Reduction: These costs are allowable to improve the level of disposition reporting but only where limited to records with arrests within the past 5 years. States must also propose a strategy to prevent future backlogs from developing.

(11) Equipment Upgrades: Upgrade costs are allowable where related to improving availability of data and where appropriate given the level of data completeness, participation in III, etc. Replacement costs will be considered but states are encouraged to contribute some portion of the total costs.

(12) Training, participation in seminars and meetings: Limited funds may be used to cover costs of training and participation in state, regional or national seminars or conferences (including travel, where necessary).

(13) Expenditures related to Brady Checks: Funds are allowable to cover costs incurred by a governmental agency for equipment or development of capability required to conduct presale background checks required under the Brady Act. This "governmental agency" limitation may be waived in a very limited number of cases where the state has implemented a functioning Brady check system and can demonstrate that the vast preponderance of inquiries are made by a limited number of dealers, that technical and procedural safeguards have been established to protect the privacy of potential purchasers, and, that the equipment to be provided to dealers would be of use for operation under the permanent system. Waivers will only be considered in states which are participants in III and which have achieved high levels of automation and record completeness. NCHIP funds may not be used to cover costs of conducting Brady presale background checks. Under this category the application should indicate the level of funds, if any, to be made available to local criminal justice agencies.

NON-CORE EXPENDITURES

(1) Interface with non-CCH databases: Costs associated with developing access to, and interface between, data bases on persons other than felons who are ineligible to purchase a firearm are allowed. Such costs include, but are not limited to, costs of investigating the existence and completeness of other data bases, identifying problems in accessing and interfacing with such data bases, and developing and implementing protocols for accessing these categories of data, and, where appropriate, incorporating such data into criminal history record data systems. Costs of documenting these projects and presenting results thereof are also allowable. Costs in this category are allowable only for those selected states that receive a grant to conduct non-core activities.

APPENDIX A
APPLICATION AND ADMINISTRATIVE REQUIREMENTS

APPLICATION AND ADMINISTRATIVE REQUIREMENTS

Application Content

All applicants must submit:

- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information
- OJP Form 4000/3 (Rev. 1-93), Program Narrative and Assurances
- OJP Form 4061/6 Certifications
- OJP Form 7120/1 (Rev. 1-93), Accounting System and Financial Capability Questionnaire (to be submitted by applicants who have not previously received Federal funds).

Copies of these forms are provided in Appendix B of this application package.

Applicants are requested to submit an original and two copies of the application and certifications to the following address:

**Application Coordinator
Bureau of Justice Statistics
633 Indiana Avenue, NW
Washington, DC 20531
Phone: (202) 616-3500**

Standard Form 424 (SF-424). The SF-424, a one page sheet with 18 items, serves as a cover sheet for the entire application. This form is required for every application for Federal assistance. **No application can be accepted without a completed, signed original SF-424.** Directions to complete each item are included on the back of the form.

Standard Form 424A (SF-424A). All applications must include SF-424A, Budget Information. Applicants should ensure that all appropriate columns and rows balance. Directions to complete this form are found on page 3 of SF-424A.

Detailed Budget. Applicants must provide a detailed justification for all costs, including the basis for computation of these costs. For example, the detailed budget would include the salaries of staff involved in the project and the portion of those salaries to be paid from the award; fringe benefits paid to each staff person; travel costs related to the project; equipment to be purchased with the award funds; and supplies required to complete the project.

Budget Narrative. The budget narrative closely follows the content of the detailed budget. The narrative should relate the items budgeted to project activities and allowable cost categories and should provide a justification and explanation for the budgeted items including the criteria and data used to arrive at the estimates for each budget category. Please note applications that include noncompetitive contracts for the provision of specific services must contain a sole source justification for any procurement in excess of \$25,000.

Program Narrative. All applications must include a program narrative which fully describes the expected design and implementation of the proposed program. In developing the narrative, refer to the program design (permitted core and noncore activities) as described in the program announcement. OJP Form 4000/3 (Rev. 1-93) provides additional detailed instructions for preparing the program narrative.

The narrative should include a timeline of activities indicating, for each proposed activity, the projected duration of the activity, expected completion date, and any products expected.

The application should include an explanation of the placement of the applicant agency within the State organization structure; a description of the roles and responsibilities of key organizational and/or functional components involved in project activities; and a list of key personnel responsible for managing and implementing the major elements of the program.

Assurances. OJP Form 4000/3 (Rev 1-93) must be included in the application submission. If submitting this form separate from the SF-424, the applicant must sign and date the form to certify compliance with the Federal statutes, regulations, and requirements as cited.

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace. Applicants should refer to the regulations cited in OJP Form, 4061/6 to determine the certification to which they are required to attest. A copy of OJP Form 4061/6 is provide in the appendices of this application package. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

Financial and Administrative Requirements

Discretionary grants are governed by the provisions of OMB Circulars applicable to financial assistance. The circulars, with additional information and guidance, are contained in the "Financial and Administrative Guide for Grants," Office of Justice Programs, Guideline Manual, M7100, available from the Office of Justice Programs. This guideline manual, provided upon request, is intended to assist grantees in the administration of funds and includes information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records.

Civil Rights Obligations

All applicants for Federal financial assistance must sign Certified Assurances that they are in compliance with the Federal laws and regulations which prohibit discrimination in any program or activity that receives such Federal funds. Section 809(c), Omnibus Crime Control & Safe Streets Act of 1968, 42 U.S.C. 3789d, provides that:

No person in any State shall on the ground of race, color, religion, national origin, sex [or disability]* be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

* Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans With Disabilities Act prohibit identical discrimination on the basis of disability.

The applicant agency must discuss how it will ensure nondiscriminatory practices as they relate to:

- (1) Delivery of Services or Benefits - to ensure that individuals will not be denied access to services or benefits under the program or activity on the basis of race, color, religion, national origin, gender, age, or disability;
- (2) Employment Practices - to ensure that its personnel in the program or activity are selected for employment without regard to race, color, religion, national origin, gender, age, or disability; and
- (3) Program Participation - to ensure members of any planning, steering or advisory board, which is an integral part of the program or activity, are not excluded from participation on the basis of race, color, religion, national origin, gender, age or disability; and to encourage the selection of such members who are reflective of the diversity in the community

to be served.

Audit Requirement

In October 1984, Congress passed the Single Audit Act of 1984. On April 12, 1985, the Office of Management and Budget issued Circular A-128, "Audits of State and Local Governments" which establishes regulations to implement the Act. OMB Circular A-128, "Audits of State and Local Governments," outlines the requirements for organizational audits which apply to BJS grantees.

Institutions of higher education, hospitals, and other nonprofit organizations are responsible for providing an audit of their activities not less than every 2 years. The required audits are to be on an organization-wide basis rather than on a grant-by-grant basis.

Disclosure of Federal Participation

Section 8136 of the Department of Defense Appropriations Act (Stevens Amendment), enacted in October 1988, requires that, "when issuing statements, press releases for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program."

Intergovernmental Review of Federal Programs

Federal Executive Order 12372, "Intergovernmental Review of Federal Programs," allows States to establish a process for reviewing Federal programs in the State, to choose which programs they wish to review, to conduct such reviews, and to make their views known to the funding Federal agency through a State "single point of contact."

If the State has established a "single point of contact," and if the State has selected this program to be included in its review process, the applicant must send a copy of its letter or application to the State "single point of contact" at the same time that it is submitted to BJS. The letter or application submitted to BJS must indicate that this has been done. The State must complete its review within 60 days. The review period will begin on the date that the letter or application is officially received by BJS. If BJS does not receive comments from the State's "single point of contact" by the end of the review period, this will be interpreted as a "no comment" response.

If the State has not established a "single point of contact," or if

it has not selected the BJS statistics development or criminal history improvement programs in its review process, this must be stated in the letter or application.

APPENDIX B
APPLICATION FORMS

States Offered Money To Improve Computerized Criminal History Records

By MICHAEL J. SNIFFEN

Associated Press Writer

WASHINGTON (AP) - The Justice Department mailed every state an application today for a share of \$88 million in federal aid from the recently enacted crime bill to computerize criminal history records.

Every state will get some money, but the amount for each state will be decided after the competing applications are evaluated.

Readily accessible, automated records of arrests and convictions "are less glamorous than other aspects of the crime bill like hiring more police," said Associate Attorney General John Schmidt. "But they get to nitty gritty practical aspects of law enforcement."

Schmidt noted that the grants will help prosecutors and police enforce the Brady law, which allows police five days to check a buyer's criminal record before the purchase of a handgun.

He added that improved records systems also will help:

- Determine which criminals are subject to federal or state "three strikes" laws that mandate life in prison for repeat offenders.

- Enforce the Child Protection Act, which bars former sex offenders from some work with children.

- Avoid pretrial release of dangerous criminals.

"In the fight against crime, accurate, automated records are as important as more squad cars and handcuffs," Schmidt said. He was subbing for Janet Reno at the attorney general's weekly news conference. Reno was in Mexico on business.

An additional \$6 million will be spent this year by the FBI to develop a high-speed national background check system, Schmidt said.

States that apply by Jan. 31, 1995, will receive at least a partial award by April 15, 1995, where one-third of the \$88 million will be distributed, Schmidt said.

Preference for grants will be given to states that lag in automation and whose existing data bases trail the rest in showing the disposition of arrests. At least \$5 million will be used as supplementary funding for such lagging states.

In a 1992 study, the federal government found that fewer than half of the states have fully automated criminal records and four states - Maine, New Mexico, Vermont and West Virginia - had no automation at all. A new study of facilities is under way.

States may apply until July 1, 1995, and applications may cover as many as three years. The submission date will not affect a state's total award.

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S 1247 IS

104th CONGRESS

1st Session

To amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account by any individual who is covered under a catastrophic coverage health plan.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15 (legislative day, SEPTEMBER 5), 1995

Mr. GRASSLEY (for himself, Mr. KYL, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account by any individual who is covered under a catastrophic coverage health plan.

[*Italic->*] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [*<-Italic*]

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘Family Medical Savings and Investment Act of 1995’.

SEC. 2. MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL- Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

‘SEC. 220. MEDICAL SAVINGS ACCOUNTS.

‘(a) DEDUCTION ALLOWED- In the case of an individual who is an eligible individual for any month during the taxable year, there shall be allowed as a deduction for the taxable year an amount equal to the aggregate amount paid in cash during such taxable year by such individual to a medical savings account of such individual.

‘(b) LIMITATIONS-

‘(1) IN GENERAL- Except as otherwise provided in this subsection, the amount allowable as a deduction under subsection (a) to an individual for the taxable year shall not exceed the lesser of--

‘(A) \$2,500, or

‘(B) the deductible under the catastrophic health plan covering such individual.

If the catastrophic health plan covering such individual provides coverage for any other eligible individual who is the spouse or any dependent (as defined in section 152) of the taxpayer, subparagraph (A) shall be applied by substituting



U.S. Department of Justice

BURKE

Bureau of Justice Statistics

Washington, D.C. 20531

To: Dennis Burke
Office of Legislative Affairs

From: Carol Kaplan 
Assistant Deputy Director
BJS

Subject: Brady Materials

Date: November 2, 1994

Attached for your information, is a copy of the "package" of Brady implementation materials which I sent Noël Brennan yesterday. She suggested that I send you a copy as well. Included are the following documents:

1. NCHIP Program Announcement (boilerplate administrative sections not included)
2. Summary: NCHIP Background and Publication Schedule
3. October 25 memorandum from Jan Chaiken, Director of the Bureau of Justice Statistics, to John Schmidt, with Schmidt approval of NCHIP program
4. October 13 letter from Jan Chaiken to each Governor announcing the NCHIP program

If you have any comments, please call me at (202) 307-0759.

NCHIP Grants to States

1. CORE Activities -

- Basic System Development
 - o Enhancing CCH records
 - o Participation in III
- Non Felony Records
- Interface with NIBRS
- Information on Stalking/Domestic Violence
- Research, Evaluation, Monitoring/Auditing

2. Permitted Activities in Selected States - ("Extended Core Activities")

- Demonstration Projects
- ID of persons other than felons prohibited from purchasing firearms.

3. Priority State Activities -

- Implements the statutory preference to states with lowest currency of dispositions in CCH files.



U.S. Department of Justice
Office of Policy Development
*Office of Public Liaison and
Intergovernmental Affairs*

Director

Dennis Burke;
RM 1339
F V I

4:00 Mtg
OPD Conf Rm
4260

From
Gail Hoffman



U.S. Department of Justice

Bureau of Justice Statistics

Washington, D.C. 20531

To: Gail Hoffman
Director
Office of Public Liaison and Intergovernmental Affairs

From: Carol Kaplan *CK*
Assistant Deputy Director
BJS

Subject: Brady materials

Date: November 1, 1994

As per your October 31 telephone conversation with Jan Chaiken, attached is a "package" of BJS materials on Brady implementation.

Included are the following documents:

1. NCHIP Program Announcement (boilerplate administrative sections not included)
2. Summary: NCHIP Background and Publication Schedule
3. October 25 memorandum from Chaiken to Schmidt, with Schmidt approval of NCHIP program
4. October 13 letter from Chaiken to each Governor announcing the NCHIP program.

If you have any questions, please call me at 70759.

October 31, 1994
carol\wp\brady\announce

PROGRAM ANNOUNCEMENT

NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM ("NCHIP")

Summary: The Bureau of Justice Statistics (BJS) is publishing this notice to announce the initiation of the National Criminal History Improvement Program (NCHIP) in Fiscal Year 1995. The grant program implements the grant provisions of the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993, and those provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and Violent Crime Control and Law Enforcement Act of 1994 which pertain to the establishment, maintenance, or use of criminal history records and criminal record systems.

This program announcement describes procedures applicable to awards to be made under the NCHIP program during FY 1995. A program announcement applicable to funding after FY 1995 will be published before the end of FY 1995 and will reflect comments received during the intervening time. Guidelines governing use of Byrne Formula funds pursuant to the 5% set-aside established under Section 509 of the Omnibus Crime Control And Safe Streets Act of 1968, as amended, will be issued shortly by BJS and the Bureau of Justice Assistance (BJA). The Byrne Guidelines should be considered together with this program announcement in developing a state's program to meet the goals of the Brady Act and the Child Protection Act.

SUPPLEMENTARY INFORMATION:

PROGRAM GOALS: The goal of the NCHIP grant program is to improve the nation's public safety by: facilitating the accurate and timely identification of persons who are ineligible to purchase a firearm; ensuring that persons with responsibility for child care, elder care, or care of the disabled do not have disqualifying criminal records; and enhancing the quality, completeness and accessibility of the nation's criminal history record systems.

More specifically, NCHIP is designed to assist states:

- to meet timetables for record completeness and participation in the FBI's Interstate Identification Index (III) established for each state by the Attorney General,
- to improve the level of criminal history record automation, accuracy, completeness and flagging,
- to expand and enhance participation in the FBI's Interstate Identification Index (III) and the National Instant Criminal Background Check System (NICS),

- to develop model procedures for accessing records of persons other than felons (including persons subject to civil protective orders based on domestic abuse) who are ineligible to purchase firearms,
- to identify (through interface with NIBRS, where necessary) records of crimes involving use of a handgun and/or abuse of children, elderly or disabled persons, and
- to ensure that states develop the capability to monitor and assess state progress in meeting legislative and programmatic goals.

To ensure that all NCHIP funded efforts support the development of the national criminal record system, the program will be closely coordinated with the FBI, the Bureau of Justice Assistance (BJA) and the Bureau of Alcohol, Tobacco and Firearms (BATF).

Funding under the NCHIP program is available to both those states which are subject to the 5 day waiting period ("Brady states") and those states which are operating under an alternative system pursuant to approval of the Bureau of Alcohol, Tobacco and Firearms (BATF) ("non-Brady states").

LEGISLATIVE BACKGROUND:

The provisions of 18 USC 922 (g) and (n), as amended by the Violent Crime Control Act of 1994, prohibit the sale of firearm to an individual who: (1) is under indictment for, or has been convicted in any court, of a crime punishable by imprisonment for a term exceeding one year; (2) is a fugitive from justice; (3) is an unlawful user of, or addicted to, any controlled substance; (4) has been adjudicated as a mental defective or been committed to a mental institution; (5) is an alien who is illegally or unlawfully in the United States; (6) was discharged from the Armed Forces under dishonorable conditions; (7) has renounced his United States citizenship; or (8) is subject to a civil protective order arising out of domestic abuse. The latter category was added as part of the Violent Crime Control Act of 1994.

The Brady Handgun Violence Prevention Act, enacted in November 1993 and effective in 1994, requires that licensed firearm dealers request a presale check on all potential handgun purchasers by the chief law enforcement officer in the purchasers residence community to determine, based on available records, if the individual is legally prohibited from purchase of the firearm under the provisions of 18 USC 922 or state law. The sale may not be completed for 5 days unless the dealer receives an approval before that time. The 5 day waiting period requirement terminates in 1998, at which time presale inquiries for all firearms will be made only to the National Instant Criminal Background Check System (NICS) which will include reference to all prohibited categories. Section 106 (b) of the Brady Act establishes a grant program to assist states in upgrading criminal record systems and in improving access to and, interface with, the NICS system.

In addition, Section 106 (a) of the Brady Act amended Section 509 (d) of the Omnibus Crime Control and Safe Streets Act to specifically provide that funds from the 5% set-aside under the Byrne Formula grant program may be spent for "the improvement of State record systems and the sharing ...of records ...for the purposes of implementing...(the Brady Act)."

The National Child Protection Act of 1993, as amended by the Violent Crime Control Act, requires that records of abuse against children, elderly and the disabled be transmitted to the FBI's national record system. The Act also encourages states to adopt legislation requiring background checks on individuals prior to assuming responsibility for care of children, the elderly or the disabled. Section 4 of the Act establishes a grant program to assist states in upgrading records to meet the requirements of the Act. Under the definition set forth in Section 5 (3) of the Act, "child (or elderly or disabled) abuse crimes" include crimes under any law of the state and are not limited to felonies.

Both the Brady and Child Protection Acts required that the Attorney General survey the status of state criminal history records and develop timetables for states to achieve complete and automated records. The survey was conducted during March 1994, and Governors were advised of timetables by the Attorney General in letters of May and June 1994. The letters indicated that compliance with timetable goals assumed availability of grant funds under each Act.

The NCHIP program implements the requirements of the grant programs established under both the Brady and Child Protection Acts.

In addition to the amendments noted above, Section 40602 of the Violent Crime Act authorized a program to assist states in entering data on stalking and domestic violence into local, state, and national data bases. Although funding was deferred, the Act emphasizes the importance of ensuring that data on convictions for these crimes are included in data bases being developed with Federal funds.

APPROPRIATION:

Section 106 (b) of the Brady Act authorized \$200 million for the grant program; the Child Protection Act authorized \$20 million. An appropriation of \$100 million was made under the Brady Act for FY 1995, to be available until expended. Of this amount, \$6 million is being made available to the FBI for NICS, \$1 million is available for Federal agency administration, and \$5 million will, consistent with the legislative history, be used to provide technical assistance to states, program coordination, and to undertake a program evaluation. To implement the requirement that preference be given to lesser developed states, a reserve fund of \$5 million will also be established. In light of the overlap

between Brady and Child Protection Act goals, it has been determined that funds from this appropriation may be used to meet related goals of the Child Protection Act.

PROGRAM DESIGN:

General: To achieve the goals of the NCHIP program, at least one grant will be made to each state with funds appropriated under the Brady Act. Funds under the Byrne Formula 5% set-aside program will also be available to support the improvement of record systems and to meet the goals of the Brady Act. Technical assistance will also be provided under a BJS grant award to assist states in identifying areas of weakness, auditing record status, long term planning, and developing and implementing technical and administrative programs. The minimum to be provided to any state will be \$150,000.

The NCHIP program includes three components: Core Activities; Permitted Activities in Selected States ("extended core activities"), and Least-advanced State Activities.

Core Activities: Core activities focus on establishing and enhancing computerized criminal history (CCH) records and on improving access to and interface between such systems and the national instant criminal background check (NICS) system. The Brady Act does not define the term criminal history record. As defined in 28 CFR part 20, and used in the BJS Criminal History Record Improvement (CHRI) program, however, the term is defined as: "information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any dispositions arising therefrom, sentencing correctional supervision, and release...".

Specifically, core activities include efforts to improve the quality of criminal history records (with emphasis on automation and disposition capture), to increase participation in the FBI's Interstate Identification Index (III), and to upgrade the accessibility of records for presale and preemployment checks (primarily through record flagging). In addition, core activities include:

Non Felony records-- Consistent with the Child Protection Act which defines a "child abuse crime " as "a crime committed under any law of a state", NCHIP core activities include efforts to increase system access to nonfelony records, particularly in areas relating to child or domestic abuse or crimes against the elderly or disabled.

Interface with NIBRS-- In order to permit states to identify persons with records involving child, elderly, or disabled abuse, NCHIP core activities include efforts to establish an interface

between criminal history record systems and the National Incident Based Reporting System (NIBRS) or any state data system which is compatible with NIBRS.

Information on stalking and domestic violence-- Consistent with Section of the Violent Crime Act, core activities include the development of procedures to ensure that information on convictions relating to stalking and domestic abuse are included in, and accessible through, the criminal history data base.

Research, evaluation, monitoring and audit-- In order to maximize the utility of information collected as part of the NCHIP program, core activities include continuing efforts to evaluate or monitor progress in meeting legislative or program goals through statistical or other related means, and specific research studies relating to use of handguns.

Permitted Activities in Selected States ("extended core activities"):

In addition to funding core improvements to criminal history records, BJS will provide a limited amount of NCHIP funds (not to exceed \$5 million) to selected states to assist in the identification of persons other than felons who are prohibited from purchasing firearms under 18 USC 922 (g) and (n), as amended. The purpose of this effort will be to support the long term goal of the permanent system established under Section 102(b) of the Brady Act by enhancing the effectiveness of the NICS.

In addition to previously identified non computerized criminal history (CCH) categories, the Violent Crime Control Act amended the Brady Act to prohibit firearm purchase by persons subject to a protective order for domestic abuse. Such orders, although not technically criminal, are enforced by the criminal justice system, which depends on the availability of data records on such persons for implementation.

Under the NCHIP expanded core program, funds can be used to evaluate the feasibility of accessing such records and to develop protocols for interfacing with non-CCH systems for purposes of background checks.

BJS will identify those states which are eligible to apply for funds to conduct such activities based on level of CCH development, participation in III, extent of automation and technical development, current efforts to interface with other categories of prohibited firearm purchasers (either within the state or interstate), and experience under the BJS CHRI program. States determined to be eligible will be notified by the end of December 1994. Funds will be in addition to funds provided for core activities which will be required to be the major focus of the state's NCHIP program.

States which wish to apply for funding under this category should

include a separate component in their grant application describing such activities and proposing a budget to cover the proposed efforts. Since the goal of the expanded core activities is to ensure that data on all categories of prohibited persons are accessible to the system being contacted for a background check, responsibility for projects under this program will be required to be maintained by the agency with responsibility for maintenance of records for criminal background checks.

States applying for funds under this section should understand that the goal of these efforts is to demonstrate the feasibility of multi-database interface for background check purposes and that the projects are intended to provide guidance to, and serve as models for, future implementation by other jurisdictions. In particular, it is envisioned that states will use Byrne 5% set-aside funds to develop system access to non CCH data and that the programs developed with NCHIP funds will serve as models for these efforts. For this reason, applications for funds under this section should include a description of proposed efforts to evaluate the success of activities undertaken and to prepare materials describing the project for exchange with other states. States should also realize that BJS will be documenting these efforts and that the applicant will be expected to provide input as requested by BJS for these materials.

In light of the importance of these efforts to the overall BJS NCHIP program, BJS will provide additional technical assistance to the selected states to ensure that, together, the activities being funded will advance the development of the NICS at both the state and Federal level.

Least-advanced State Activities:

Section 106(b) of the Brady Act requires that BJS give "preference to States that, as of the date of enactment... have the lowest currency of case dispositions in computerized criminal history files...". To implement this requirement, a separate set-aside of funds will be reserved for states in this category. Designated states will also be eligible for priority technical assistance at no cost. The determination of states qualifying under this special provision will be made after release of the 1993 Survey of State CHRI systems. A notice will be published by the end of 1994 designating the states, indicating the level of set-aside funds, and describing procedures for applying to receive such additional funds. States designated under this category may only use NCHIP funds to support the basic system development components of the core funding activity.

APPLICATION PROCEDURES:

Designation of agency to administer NCHIP program: To participate in NCHIP, each state must designate an agency to submit an

application and to administer the program. The agency should be the agency with primary responsibility for implementing the major activity to be funded with NCHIP funds or a parent agency with programmatic oversight over, and legislative authority to transfer funds to, such agency. Since the NCHIP program focusses on improvement of criminal records and interface with the NICS, BJS anticipates that, in a large number of cases, the NCHIP agency will be the agency with responsibility for maintenance of criminal records and liaison with the FBI and/or other record sources including NIBRS, if existing. As noted in below, NCHIP procedures envision that strong state coordination will exist between the NCHIP and Byrne 5% setaside programs to avoid overlap and maximize funding effectiveness. BJS does not, however, anticipate that the NCHIP agency will necessarily be the same as the agency with administrative authority over Byrne 5% set-aside funds. The application should indicate the basis for the selection of the NCHIP agency justified in terms of the organizational posture of the selected agency and its role in meeting the goals of the Brady and Child Protection Acts.

Only one application will be accepted from each state for any period of funding. It is the responsibility of the state to select the applicant agency. A state may, however, choose to submit its application as part of a multi-state consortia or other entity. In such case, the application should indicate specific responsibilities, and include a separate budget for, each state. States may receive successive awards over time assuming availability of funds.

The application:

The NCHIP application includes the following four parts.

Part I: This part should include a discussion of current and previous efforts relating to criminal history record improvement funded under the BJS CHRI program, the BJA Byrne 5% set-aside or with state funds over the past 5 years. The discussion should specify the amount of funds received under the BJS and Byrne programs over the past three years and the funds remaining at this time. The section should also describe accomplishments with previous funding and the relationship to proposed NCHIP activities.

Part II: This part should discuss audit or other evaluative efforts undertaken to identify the key areas of weakness in the state's criminal record system and in its ability to identify ineligible firearm purchasers or persons ineligible to hold positions involving children, the elderly, or the disabled. Specific reference should be made to relevant studies and to the findings of any internal or external independent audits which have been completed in the past five years.

Part III: This part should discuss in detail the activities

to be undertaken with NCHIP funds over the coming 12 month period. Specifically, each application should indicate the core activities to be undertaken to improve its criminal history system, to initiate or enhance participation in III, to support the state's interface with the NICS, and to meet the timetable established by the Attorney General. The section should also discuss proposed efforts, if any, to identify particular offender types (either through interface with NIBRS or other means); to ensure that criminal records pertaining to stalking or domestic abuse are included in criminal record data bases; and, to access data on persons subject to civil protective orders arising out of domestic violence. Discussions of proposed efforts to upgrade record completeness should indicate whether, and how, the courts or other record providers have been involved in preparation of the application and how funds will be made available to such entities.

Part III of the application should also describe the efforts to be supported to monitor state compliance with legislative or programmatic goals through ongoing audits or other means such as statistical analysis, comparison between CCH records and NIBRS or UCR data. Studies relating to handgun use or sales approval, if proposed, should be described in this section. Where considered appropriate, the state Statistical Analysis Center should be consulted in connection with the development of such projects.

BJS is currently supporting the Firearm Inquiry Statistical ("FIST") program to develop national level data on Brady implementation. BJS will advise states by December 1994 of the scope of this project. In support of the basic elements of this project, however, the application should describe procedures to collect data on the number of Brady inquiries, "hits", and captures (including the number of queries against data bases other than the criminal history record). The application should also indicate procedures for collection of data on the number of background checks on persons seeking positions involving children, the elderly, or the disabled and the number of records with action in the past 5 years which are complete and automated. Grants will be special conditioned to require participation in the FIST effort and submission of other information for evaluation programs instituted under the Brady effort. The data described above will be required to be submitted with applications in future years.

Permitted activities in selected states ("expanded core activities"): States which are providing substantial records through the III system, and which can demonstrate a high level of criminal record completeness and technical advancement, are eligible to apply for additional funds to develop, and/or implement procedures to access information on persons other than felons/fugitives who are Federally prohibited from

purchasing a firearm. In addition to describing proposed activities, interested states should justify their eligibility for such funding in terms of current CCH development, and indicate whether the state has already established any interface between the criminal record system and other relevant data bases. (See "allowable costs" for covered expenses in this area)

In order to permit assessment of state progress in meeting grant goals, Part III of all applications should set forth measurable benchmarks or goals for each proposed activity. .

Part IV: This Part should describe activity to be undertaken with Byrne 5% set-aside funds during FY 1995. A key part of this submission is a description of the relationship between these activities and the activities to be supported under the NCHIP program. At the option of the state, this submission may serve as the state's submission supporting FY 1995 expenditure of Byrne 5% setaside funds. In such cases, the state may opt to have this section prepared by the agency with responsibility for administering the Byrne funds, rather than the agency designated to administer the NCHIP program. The relationship between the Byrne 5% set-aside and the NCHIP program is discussed more fully below.

Coordination between NCHIP and the Byrne 5% setaside program:

The Bureau of Justice Statistics and the Bureau of Justice Assistance have jointly agreed that close and continuing coordination between the NCHIP and Byrne 5% setaside program is critical to meeting the goals of the Brady Act and the National Child Protection Act of 1993. Such coordinated efforts are also necessary to ensure the development of an effective interstate criminal history record system to meet the needs of law enforcement, the criminal justice community and the increasing number of non criminal justice users of criminal history record information. To achieve this goal, BJS and BJA will, consistent with the legislative requirements, be jointly preparing guidelines governing use of the Byrne 5% setaside funds. Copies of the guidelines, which will be finalized by December 1994, will be sent to each state and should be considered in connection with preparation of the NCHIP application.

BJS expects that program plans for projects to be funded under NCHIP and the Byrne 5% setaside will be coordinated by the state agencies responsible for these programs. Where costs of a proposed activity exceed NCHIP available funds or are unallowable under NCHIP, for example, BJS anticipates that the state will use Byrne funds to fill remaining needs. This joint effort, we believe, will maximize the effectiveness of both of these programs.

Application procedure:

The application should cover a three year period with specific

information provided primarily for the first year. The budget should focus on first year expenses with projections for years two and three. Awards will be made for the first year with future funding dependant on progress in meeting program goals. The application should identify those agencies to receive direct funding and indicate the fiscal arrangements to accomplish this fund transfer.

Review and approval of applications:

Since the goal of the NCHIP program is to ensure that all states receive funding support, no deadline for submission of applications will be established. Applications may be submitted at any time after publication of this announcement. Absent special circumstances, applications should be received by August 1995 to be eligible for funding in FY 1995. Applications will be reviewed and approved as received. To the extent possible, applications submitted by the end of February 1995 will be awarded by the end of May 1995. As noted above, states eligible to apply for "least advanced state" funding or funding for "permitted activities in selected states" will be notified by the end of December 1994. If a selected state has already submitted its application for core activity, the application for additional funds can be submitted as a supplement to the original application.

Allocation of funds:

The appropriation for the NCHIP program remains available until expended. In order to encourage rapid development of systems in support of the NICS system, \$25 Million will be allocated for award in FY 1995 to cover core program activity. In addition, \$5 Million will be reserved to provide additional funding for "least-advanced" states. Another \$5 Million will be reserved to cover the cost of expanded core activities in the states selected to undertake such projects. States may receive funding from the core allocation as well as either the fund for "least-advanced" states or the fund established for extended core activity. The \$5 Million reserved for "least-advanced" states and the \$5 Million reserved for extended core activities represent the total funding for these purposes over the life of the program and will remain available until expended by the designated states. This may result in an additional award being made to some states after the expenditure of all other remaining NCHIP appropriated funds.

To the extent possible, awards will be made to cover all allowable costs. States receiving funds from the reserve for "least-advanced" states, however, will be required to limit expenditures to purposes directly related to establishment of the basic elements of the criminal history record system and steps necessary to permit participation in III. Among the remaining states, use of funds for non-CCH purposes will be approved only to the extent that the state is making progress toward meeting timetable goals established by the Attorney General.

States should understand that full funding may not be possible in FY 1995. In addition to the foregoing, allocation of funds will be based on the amount requested and the following factors:

- (1) the legislatively mandated "preference to states which ...have the lowest percent currency of dispositions in computerized criminal history files" as of 1993;
- 2) the extent to which improvements in the state system, by virtue of record numbers, levels of technical development, or operating procedures, will have a major impact on availability of records throughout the national system;
- (3) the proposed use or enhancement of innovative procedures which may be of value to other jurisdictions;
- (4) the technical feasibility of the proposal and the extent to which the proposal appears reasonable in light of the state's current level of system development, statutory framework;
- (5) prior activity of the state with funds under the Byrne and CHRI programs;
- (6) state commitment to the national record system as evidenced by membership in III, and participation in the FBI's National Fingerprint File (NFF), Felon Identification in Firearms Sales (FIFS) programs, etc., and the current status of development of its CCH.;
- (7) reasonableness of the budget;
- (8) evidence of state progress in meeting record improvement and background check goals as measured in terms of audits, and data collections relating to presale firearm checks, and background checks on persons seeking positions involving children, the aged and the disabled;
- (9) The nature of the proposed expenditures;
- (10) the extent to which the plan reflects constructive interface between relevant components of the state organization and/or multi state systems; and ,
- (11) the reasonableness of the relationship between the proposed activities and the current state of the state system, in terms of technical development, legislation, current fiscal demands, and future operating costs.

The program does not require either "hard" or "soft" match. Indications of state support, however, may be interpreted as expressions of commitment by the state to the program.

All applicants must agree to participate in evaluations sponsored

by the federal government. Applicants must also agree to provide data relating to Brady Act activity to the Firearm Inquiry Statistics (FIST) program in the format designated by the FIST program.

Types of Assistance:

Assistance will be provided under a cooperative agreement with each state.

Allowable Costs:

Allowable expenses are detailed below. All expenses are allowable only to the extent that they relate to programs described in the program narrative.

CORE ACTIVITIES:

(1) Participation in the Interstate Identification Index (III): This is a key goal, and costs should be related to achieving full participation. Covered costs include, but are not limited to, costs associated with automation of the database (see limitations in (4) below), synchronization of records between state and FBI, and development of necessary software including software relating to telecommunications enabling electronic access on an intra or interstate basis.

(2) Data base enhancement: Improving the quality, completeness and accuracy of criminal history records is a key goal of the NCHIP effort. Allowable costs include the costs associated with implementing improved record capture procedures, establishing more effective accuracy controls, and ensuring that records of all criminal events that start with an arrest or indictment are included in the data base. In addition to felony records, limited funds may be used to capture data on serious misdemeanors, and to ensure that data on persons convicted of stalking and/or domestic abuse are included in the data base. Costs associated with capture of data on persons under civil protective order arising out of domestic violence are also allowable. Use of funds for capture of data on misdemeanors, persons convicted of stalking and persons under civil protective orders will only be approved where the state has, or is actively undertaking efforts to upgrade, the basic elements of the criminal history record system.

(3) Improved disposition capture: Automated interface between the repository and the courts, prosecutor, and/or corrections agencies is encouraged. Funds provided to courts or prosecutors for these purposes are allowable only to the extent that the function to be supported is related to the capture of disposition or other data relating to the offender record. (eg. full costs associated with establishment of court MIS systems are not allowable under the NCHIP program).

(4) Record Automation: These are allowable costs only with respect to records with an arrest or indictment occurring within 5 years of the date of automation. As appropriate, allowable costs also include costs associated with system design in states with nonautomated systems or in states proposing to enhance system operation to include access to non CCH data bases.

(5) Flagging of Records: This is an important activity. Allowable costs include costs of flagging felony records and records of persons with convictions for crimes involving children, the elderly and/or the disabled. Costs may include the cost of technical record flagging as well as the costs associated with identification of records to be flagged. (see (7) below re: interface with NIBRS)

(6) AFIS/Livescan: AFIS/livescan equipment for local law enforcement agencies is allowable to improve the level of arrest and disposition reporting, but only where: (1) the state repository system was automated, participating or looking toward participation in III, and had in place the technical capability to accept AFIS transmissions, and (2) sufficient traffic could be demonstrated to justify the cost, possibly through the use of regional systems.

AFIS in squad cars is not allowable since field inquiries are not a factor in checks under either the Brady Act or the Child Protection Act. Additionally, since data is not input to the system by the field unit, AFIS in the squad car would not support record improvement or completeness.

Livescan for use in courts is allowable to support disposition completeness. The same conditions regarding repository capability and levels of traffic are also applicable to costs in this category.

Costs associated with AFIS communication from the repository to the FBI national system (IAFIS) are allowable but only where the state can demonstrate adequate levels of record completeness (both arrest and disposition) and current membership in III.

States should understand that Byrne 5% set-aside funds are specifically available for AFIS, and that, accordingly, use of NCHIP funds for AFIS will only be allowable when justified as appropriate given the overall status of the state system, its participation in the national system and its planned use of Byrne 5% set-aside funds. This is particularly relevant as respects state proposals to use NCHIP funds to cover costs of local live scan equipment.

(7) Interface with NIBRS: Funds may be used to interface with NIBRS (or any state data system which is compatible with NIBRS) for purposes of identifying persons convicted of crimes against children, the elderly, or the disabled, or/or identification of records involving firearm crimes for operational or research purposes. NCHIP funds are not available, however, to develop the

NIBRS database.

(8) Research, Evaluation, Monitoring and Audits: Costs associated with research or evaluation efforts are allowable to the extent that they are directly associated with a project approved in the application. Costs associated with monitoring state compliance with legislative or programmatic goals, through ongoing or periodic audits or other procedures, are allowable.

(9) Conversion of juvenile records to the adult system: The FBI has recently amended its NCIC policy to accept juvenile records if submitted by the state developing the record. Expenditures to interface juvenile and adult records are allowable if consistent with relevant state law and undertaken to further the goals of the NCHIP program.

(10) Missing Dispositions Backlog Reduction: These costs are allowable to improve the level of disposition reporting but only where limited to records with arrests within the past 5 years. States must also propose a strategy to prevent future backlogs from developing

(11) Equipment Upgrades: Upgrade costs are allowable where related to improving availability of data and where appropriate given the level of data completeness, participation in III, etc. Replacement costs will be considered but states are encouraged to contribute some portion of the total costs.

(12) Training, participation in seminars and meetings: Limited funds may be used to cover costs of training and participation in state, regional or national seminars or conferences (including travel, where necessary). BJS approval must be obtained before such expenditures.

(13) Expenditures related to Brady Checks: Funds are allowable to cover costs of equipment required to conduct presale background checks required under the Brady Act, provided that the equipment is maintained in a governmental agency. This limitation may be waived in a very limited number of cases where the state has implemented a functioning Brady check system and can demonstrate that the vast preponderance of inquiries are made by a limited number of dealers, that technical and procedural safeguards have been established to protect the privacy of potential purchasers, and, that the equipment to be provided to dealers would be of use for operation under the permanent system. Waivers will only be considered in states which are participants in III and which have achieved high levels of automation and record completeness. NCHIP funds may not be used to cover costs of conducting Brady presale background checks.

NON CORE EXPENDITURES:

(1) Interface with non CCH databases: Costs associated with

developing access to, and interface between, data bases on persons other than felons who are ineligible to purchase a firearm are allowed. Such costs include, but are not limited to, costs of investigating the existence and completeness of other data bases, identifying problems in accessing and interfacing with such data bases, and developing and implementing protocols for accessing these categories of data, and, where appropriate, incorporating such data into criminal history record data systems. Costs of documenting these projects and presenting results thereof are also allowable. Costs in this category are allowable only for those selected states that receive a grant to conduct non core activities.

November 1, 1994

National Criminal History Improvement Program (NCHIP)

Background and Publication Schedule: Summary

(1) The National Criminal History Improvement Program (NCHIP) implements the grant provisions of the Brady Act (Section 106 (b)) and the Child Protection Act (Section 4).

(2) One hundred million dollars was appropriated to the Bureau of Justice Statistics for this purpose in FY 1995. Of this amount, \$6 million is being transferred to the FBI for implementation of the National Instant Criminal Background Check System (NICS) and \$1 million is available for Federal administration. Consistent with the legislative history, BJS is also reserving \$5 million to cover costs of technical assistance, coordination, and evaluation.

(3) The NCHIP program will be announced in a Program Announcement to be published in the Federal Register. Copies will also be printed under separate cover and sent directly from BJS to the Governor, the agency with responsibility for the criminal history record system (the state repository), the agency administering the Byrne formula grant program funds in the state, and the state statistical analysis center.

(4) The Program Announcement will describe all requirements for submission of an application and will serve as the "application kit".

(5) As required under the Brady Act, every state will receive at least one award (provided that they submit an application).

(6) To implement the Brady mandate that preference be given to states with lowest levels of dispositions in automated records, \$5 Million is being reserved for additional awards to states in this category ("least-advanced" states).

(7) Applications may be submitted at any time after publication of the announcement. All efforts will be made to ensure that awards are made no later than 90 days after submission of the application. For funding in FY 1995, applications should be submitted by August 1995.

(8) The program allows the state to designate the agency to submit the application and administer the program. Only one application will be accepted from each state but states may opt to apply as part of a multi-state consortium.

(9) The NCHIP program is being closely coordinated with the Byrne Formula program's setaside of at least 5% for criminal history

records improvement. To achieve this goal, BJS will be working jointly with the Bureau of Justice Assistance (BJA) to develop Guidelines governing use of Byrne 5% setaside funds. Additionally, the NCHIP application must describe previous activities funded under the Byrne program and describe proposed uses of Byrne funds during the coming year. A state may opt to have the section of the NCHIP application which describes Byrne activity serve as its submission for a given year.

(10) The NCHIP program permits funding in three categories: Core activities; Permitted activities for selected states (extended core activities); and "Least advanced" state activities. All states will receive funds for core activities. Core activities focus primarily on enhancing the completeness and automation of criminal history records and improving the interface with the FBI's National Instant Criminal Background Check system (NICS). Core funds can also be used to interface with state systems which permit identification of crimes against children, the elderly and disabled, to ensure that conviction data on stalking and domestic violence are included in the data base, and to support audits and related research efforts.

"Extended core" activities include efforts to develop an interface between the criminal history record system and other data bases which include information on persons other than felons who are prohibited from purchasing a firearm under the Brady Act. Only selected states which have already achieved high levels of data completeness and participate in III may apply for these funds which will be in addition to funding under the core program. A total of 5% Million will be reserved for this purpose for the life of the program.

A \$5 million reserve will also be established to provide extra funding for the "least advanced" states. States will be designated for this category based on results of the BJS Survey of State CHRI Systems to be released in November. (States will be advised no later than December. If the state has already submitted its application for core funds, a request for the additional funding may be submitted as a supplement to the original application and will get priority processing). "Least advanced" states will also receive priority technical assistance.

(11) The goals and design of the NCHIP program noted above were described in a memorandum from Jan Chaiken, Director, BJS, that was approved by John Schmidt, Associate Attorney General on October 26.

The memo indicated that BJS would finalize the program announcement by October 31, 1994. BJS has indicated in DOJ briefing material that the final Program Announcement would be released by mid-November.

(12) By letter dated October 13, 1994, Jan Chaiken, advised the Governor of each state about the NCHIP program and indicated that the state would be required to designate the agency to administer the program as part of its application. The letters included personalized references to the agencies in the state which had

dealt with BJS previously and referred specifically to the SEARCH representative in the state. To date we have received only one designation (Anne Richards, Texas), and received several telephone inquiries concerning the program (Utah, Illinois, New Mexico, DC, West Virginia). There have been no complaints. BJS also described the program in Conferences sponsored by SEARCH and the Justice Research and Statistics Association (JRSA).

(13) The BJS finalized Program Announcement was sent today (November 1) for review by OJP Office of General Counsel. A copy was also sent to SEARCH Group, Inc. and to the Justice Research and Statistical Association. Jan Chaiken provided the draft Announcement to Nancy Gist, Director, BJA on October 31, 1994. Jan Chaiken also spoke extensively with Gail Hoffman on October 31, discussing the Announcement.

(14) Since Associate Attorney General Schmidt approved the program as described in the memorandum, we do not anticipate any major problems with the Announcement.

(15) Assuming approvals, it takes 5 working days to publish in the Federal Register. We are advised by our publications unit that it will take approximately 5 working days to print the copies which we plan to send directly to the Governors et al. If a document is fully approved by the end of next week (November 10), it can be ready for distribution by the promised mid-November deadline.



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

EXECUTIVE SUMMARY

TO: THE ASSOCIATE ATTORNEY GENERAL

THROUGH: Laurie K. Robinson
Assistant Attorney General *[Signature]*

FROM: Jan M. Chaiken, Ph.D.
Director *[Signature]*

SUBJECT: Permitted uses of Brady grant funds

PURPOSE: To obtain approval from the AAG re allowed grant expenditures.

TIMETABLE: By Tuesday, October 28, 1994.

DISCUSSION: BJS is drafting a program announcement for grants to states under Brady and Child Protection Acts. The program is summarized in the attached memorandum.

RECOMMENDATION: To approve BJS proposed expenditures of Brady grant funds.

APPROVE *[Signature]* 10/26/94

DISAPPROVE _____

October 25, 1994

MEMORANDUM TO: John Schmidt
Associate Attorney General 

THROUGH: Laurie Robinson
Assistant Attorney General

FROM: Jan M. Chaiken, Ph.D.
Director 

Subject: Permitted uses of Brady grant funds

BJS is presently preparing the program announcement for the National Criminal History Improvement Program (NCHIP) -- our name for the grant program that will implement Section 106(b) of the Brady Act and Section 4(b) of the National Child Protection Act. As you know, when I wrote to you on September 28, 1994, I suggested a high-visibility grant program. After consulting with the OJP Office of General Counsel, I have decided to sharpen and limit the nature of the planned program.

Core expenditures for criminal history record improvements

The clear language of both statutes permits establishing and enhancing computerized criminal history (CCH) record systems and improving access to, and interface between, such systems and the national instant criminal background check system (NICS). Although there is no definition of "criminal history records" in either of these statutes (or in any statute, as far as we know), we are interpreting the term in the context of 28 CFR Part 20 and the past history of DOJ's Criminal History Record Improvement (CHRI) grants to refer to fingerprint-based records of individuals which contain information about one or more arrests of that person and any or all subsequent events in criminal justice processing, such as fingerprinting, court disposition, incarceration, parole, etc.

Included under this authority, states will be authorized to expend funds to improve the quality of criminal history records (with emphasis on automation and disposition capture), to increase participation in the FBI's Interstate Identification Index (III), and to upgrade the accessibility of records for

presale and preemployment checks (primarily through record flagging).

Although the Brady Act appears to focus on felony arrests (Section (a)(3)(B)(i) provides that an applicant for a handgun must state that he or she "is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year") it does not state any limitation on the kinds of criminal histories that are to be improved through the grant funding, and the Child Protection Act includes language that clearly extends beyond record reviews of felony convictions (Section 5(3) defines a "child abuse crime" as "a crime committed under any law of a State ..."). Accordingly, NCHIP funds will be available to increase system access to nonfelony records, particularly in areas relating to child or domestic abuse or crimes against the elderly or disabled. (The extension to elderly and disabled arises from the amendment to the Child Protection Act in Section 320928 of the Crime Act.)

Additionally, in order to permit states to identify persons with records involving child, elderly, or disabled abuse, funds will also be allowed to be used to establish an interface between criminal history record systems and state incident-based reporting systems which include data describing victim characteristics. Also consistent with Section 40602 of the Crime Act, states will be encouraged to develop procedures to ensure that information on convictions relating to stalking and domestic abuse are included in the criminal history data base.

Additional planned permitted categories of expenditures

In addition to funding core improvements to criminal history records, BJS will provide a limited amount of NCHIP funds (not to exceed \$4-5 million) to selected states to assist in the identification of persons other than felons who are prohibited from purchasing firearms under 18 USC 922 (g) and (n). The purpose of this effort will be to support the long term goal of the permanent system established under Section 102(b) of the Brady Act by enhancing the effectiveness of the NICS.

Since the scope of the NICS as presently being implemented by the FBI extends to all categories of records which may make a person ineligible to purchase firearms, a limited number of states will be invited to apply for an additional award to cover costs associated with development of procedures to access data on non-CCH categories of prohibited firearm purchasers. Since the key

to this effort is the extent to which such records can be made accessible to the system being contacted for the background check, responsibility for these projects will be required to be maintained by the agency with responsibility for maintenance of records for criminal background checks.

In addition, the Crime Act amended the Brady Act to prohibit firearm purchase by persons subject to a protective order for domestic abuse. Such orders, although not technically criminal, are enforced by the criminal justice system, which depends on the availability of data records on such persons for implementation. Accordingly, BJS will permit grant funds to be expended to develop and/or access such records. BJS will permit states to make such expenditures, provided that such expenses are incidental to the overall activity to be supported under the grant and that the agency with responsibility for maintenance of the criminal record database is also the agency with responsibility for acquisition of such records.

Coordination with the Byrne five-percent setaside grant program

The Byrne formula grant program, as amended by Section 106 (a) (4) of the Brady Act, includes a set-aside of at least five percent which is to be used for improving "criminal justice" records and "improving state record system ...for the purpose of implementing the Brady Act", a category that includes information about persons other than felons ineligible to purchase firearms and also those who are subject to a protective order for domestic abuse. The guidelines for the set-aside portion of the Byrne program are, according to Section 509(c) of the Omnibus Crime Control Act, to be prepared by "the Director, BJA, in consultation with the Director of the Bureau of Justice Statistics." In fulfilling this legislative authority, BJS plans to help BJA draft guidelines that will encourage states to develop and improve record systems that will constructively supplement the state's NCHIP funding and will help meet overall legislative purposes of the Brady Act and the Crime Protection Act.

Funding priorities

Under the NCHIP program as presently proposed, all states will receive an award to upgrade their criminal record system. This fulfills the mandate set forth in Section 106(b) of the Brady Act which requires that "the Attorney General, through the Bureau of Justice Statistics, ... make a grant to each state...(emphasis supplied)". In order to implement the requirement that "preference...(be given)...to states...(with)...the lowest

percent currency of case *dispositions in computerized criminal history files* (emphasis supplied)", states with automation/disposition levels below a designated level, to be determined after BJS has the results of its 1993 survey of state CHRI systems (to be available in November 1994), will be eligible to apply for additional funds from a pool set aside for this purpose. Such states will only be permitted to expend funds for the core purposes (improvement of criminal history records only).

In the remaining states, the majority of which are either recent or partial participants in III, use of funds will nonetheless be primarily limited to criminal history record improvement as described above, but applications for acquiring and automating records of protective orders for domestic abuse will also be entertained.

Only a few states (demonstration states) will receive NCHIP funds to identify existing (or nonexistent) state data bases for identifying persons other than felons ineligible to purchase handguns and to analyze problems in accessing non-CCH data. We expect that these funds will be used to develop model protocols for data access which can later be implemented by other states with Byrne funds. States will be eligible for this category of funding only if they have already surpassed specified thresholds of automation of criminal history records and completeness of dispositions in such records.

Programmatically, we feel this is a desirable approach since, given the high costs expected to be involved in accessing data other than criminal history records, the development of models with NCHIP funds should maximize the effectiveness of Byrne funds used for similar purposes. To achieve this result, BJS plans to evaluate the model programs and to make the results of such evaluations available to states through technical assistance or BJS documents. Additionally, BJS anticipates that the Byrne Guidelines, to be issued this Fall, will require that states planning to use funds for systems to access data other than felony indictments or convictions for background checks must demonstrate that the proposed efforts have been coordinated with the model activity supported under the NCHIP program.

Status of current activity

Consistent with my letter of September 18, BJS is still aiming to finalize the program announcement for the NCHIP program by October 31.

Decision Issue: Funds appropriated to implement Section 106(b) of the Brady Act may be used for the purposes described in this memorandum.

Concur

Non-concur

Attachments: Text of relevant grant portions of Brady and CPA.

and the Federal Bureau of Investigation may not exceed the actual cost of the background check conducted with fingerprints. The States shall establish fee systems that insure that fees to non-profit entities for background checks do not discourage volunteers from participating in child care programs.

SEC. 4. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION. 42 USC 5119b.

(a) **USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.**—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking “and” after the semicolon;

(2) in paragraph (3) by striking the period and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the child abuse crime records required under the National Child Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.”.

(b) **ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.**—(1) The Attorney General shall, subject to appropriations and with preference to States that, as of the date of enactment of this Act, have in computerized criminal history files the lowest percentages of charges and dispositions of identifiable child abuse cases, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this Act;

(B) for the improvement of existing computerized criminal history files for the purposes of this Act;

(C) to improve accessibility to the national criminal history background check system for the purposes of this Act; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal history background check system for the purposes of this Act.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of \$20,000,000 for fiscal years 1994, 1995, 1996, and 1997.

Appropriation
authorization

(c) **WITHHOLDING STATE FUNDS.**—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce, by up to 10 percent, the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 that is not in compliance with the requirements of this Act.

SEC. 5. DEFINITIONS.

42 USC 5119c

For the purposes of this Act—

(1) the term “authorized agency” means a division or office of a State designated by a State to report, receive, or disseminate information under this Act;

(2) the term “child” means a person who is a child for purposes of the criminal child abuse law of a State;

(3) the term “child abuse crime” means a crime committed under any law of a State that involves the physical or mental

required by the Attorney General under section 103 of the Brady Handgun Violence Prevention Act, for the purpose of implementing that Act.”.

18 USC 922 note.

(b) ADDITIONAL FUNDING.—

(1) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the creation of a computerized criminal history record system or improvement of an existing system;

(B) to improve accessibility to the national instant criminal background system; and

(C) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under paragraph (1), which may be appropriated from the Violent Crime Reduction Trust Fund established by section 1115 of title 31, United States Code, a total of \$200,000,000 for fiscal year 1994 and all fiscal years thereafter.

TITLE II—MULTIPLE FIREARM PURCHASES TO STATE AND LOCAL POLICE

SEC. 201. REPORTING REQUIREMENT.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) in the second sentence by inserting after “thereon,” the following: “and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place.”;

(2) by inserting “(A)” after “(3)”; and

(3) by adding at the end thereof the following:

Records.

“(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.”.

Certification.

ASG MTB → Brady ^{Guidelines} 11/17

Byrne 5% set aside

↳ Since FY 92

- lot of states haven't spent this \$

Plus discretionary grants that ~~at~~ went out to States

Plan is to put Guidelines in the Fed. Reg. in mid-November

Carol
Kaplan

Treasury / DOJ joint ltr that we are coordinating
We have worked closely w/
BATT

No longer than '98 The Act sunsets
at which pt AB is required
to est. permanent system

There will be pressure for us to do this
before that time

5 States get priority \$

- Maine
- NM
- Vermont
- W.V.
- Miss.
- Virgin Isles
- Samoa

- we are going to do this on a rolling bases

ASG → How do we look at the universe (the overall funding so we don't eat up all the \$?)

States get a minimum (each)

ASG → Should have cut off date for States to get their applications in

Jan → want to give States \$ now if they have their act ~~to~~ together

ASG Do you know enough about each State's system so you would know how much they would allocate?

Jan depends on what State tells us what they are doing w/ the different pieces - how they will spend it & integrate it

- Byrne
- Discretionary

Cord lot of pressures from States that they want this \$ now
Many States know exactly what they want to do w/ this \$

so Jan 31 deadline to give out \$25 mil to those States who want to go ahead

This \$25 mill pool would grow if more States get applications in

At end of FY, we will say This is what we got, how much we gave out

↳ Then you have the whole universe

This is awarded by April 15th

everything else (\$) comes at end of FY95

Jan Problem is that States have already shown that they can't spend the \$

WVa hasn't spent their \$ from Byrne
↳ in some states it is just a low priority

Jan → We have to do a lot of the T & A

ASG ~~have~~ leave open the amount that is going out to the priority

Jack "not less than \$5 million"
for priority pool of \$

ASG So grants will start being made in Feb & go through to July