



Reporting Mental Health Adjudications and Commitments to the National Instant Criminal Background System (NICS)



***Office of Court Administration
Research & Court Services***

Have you ever had questions about properly reporting court orders related to Mental Health?





What we will cover-

History and Functionality



National and State Statistics



Reporting



Retention & Resources

National Instant Criminal Background Check System (NICS)

NICS is a system used to determine if the name and birth year of a prospective purchaser of firearms or explosives match those of a person who is **not eligible to buy** those items.



History- National Instant Criminal Background Check System (NICS)

The Brady Act mandated that Federal Firearms Licensees (FFL) dealers run background checks on their buyers. In 1998 NICS was up and running, administered by the FBI, and applied to all firearms purchases from FFL dealers, including long guns.



James Brady
August 29, 1940 – August 4, 2014

After an assassination attempt on President Ronald Reagan, where his White House Press Secretary, James Brady, was seriously injured, efforts to create a national system began.

How it works

NICS is a centralized computer system providing information to FFLs on whether a prospective purchaser or transferee is eligible to receive or possess firearms.

After completion of an application for the purchase or transfer of a firearm, an FFL must contact NICS to perform a background check.



How it works

NICS performs the background checks using the automated databases.

Three databases are accessed:

- National Crime Information Center (NCIC)
- Interstate Identification Index (III)
- NICS



How it works

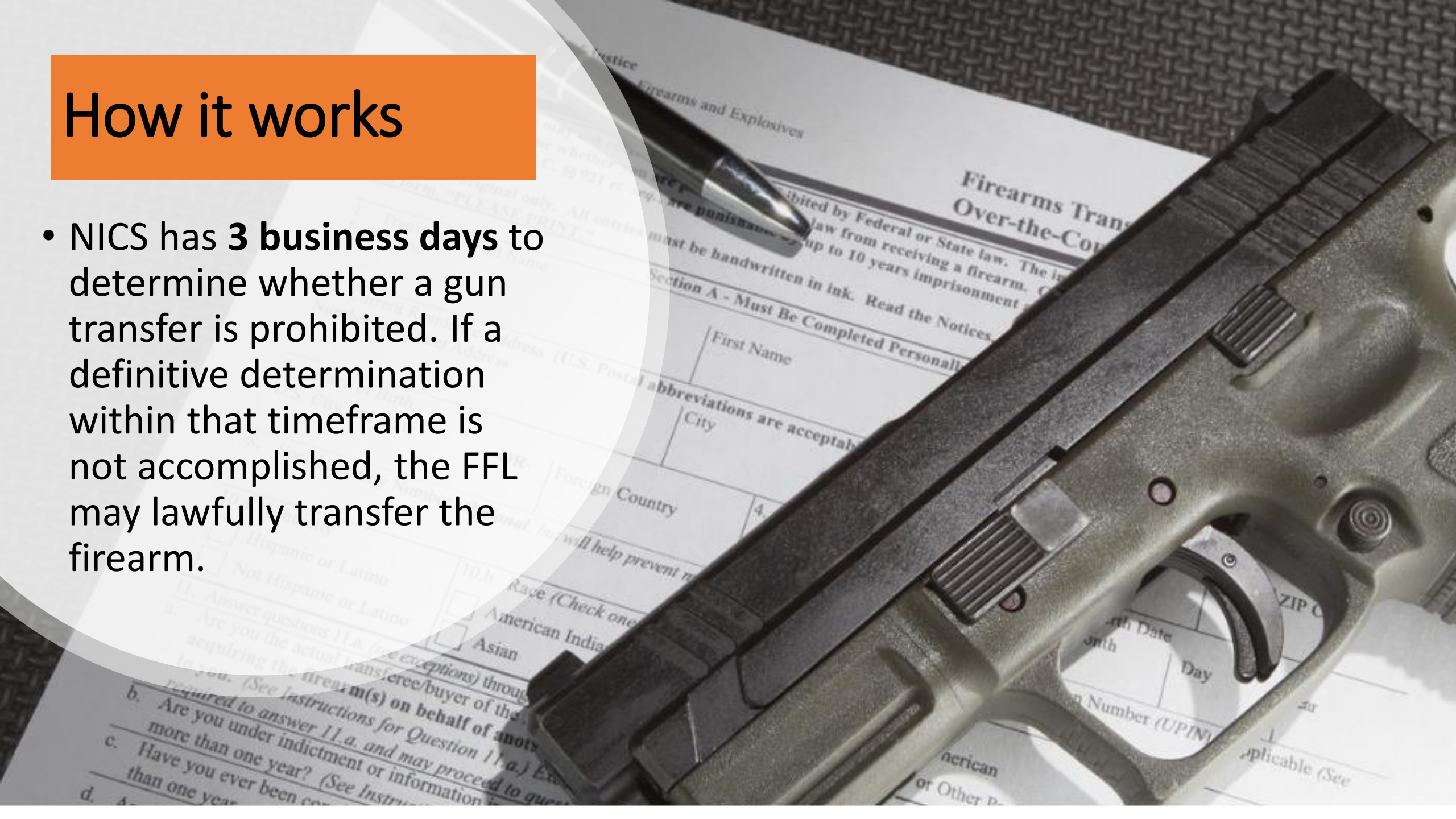
Background Checks-

- Generally determined within a few minutes of receipt of the inquiry. If no match, the dealer may proceed with the transfer.
- If additional information is needed, follow-up requests to agencies such as the police, prosecutors, and/or the courts will occur to establish the eligibility of an individual to possess a firearm under **state** or **federal law**.



How it works

- NICS has **3 business days** to determine whether a gun transfer is prohibited. If a definitive determination within that timeframe is not accomplished, the FFL may lawfully transfer the firearm.






NICS Improvement Amendments Act of 2007

Passed in 2007 in response to the Virginia Tech shootings in order to address gaps in NICS.

Despite having been ruled a danger to himself by a Virginia court, a Virginia Tech student, was able to purchase firearms.



NICS Improvement Amendments Act of 2007

Under the Gun Control Act of 1968, it was illegal for the student to purchase the firearms; however, his **mental health adjudication** was not submitted to NICS, which would have resulted in his purchase being denied.



NICS Improvement Amendments Act of 2007

The NICS Improvement Amendments Act of 2007 targeted the reporting of information to NICS about **mental health adjudications** and commitments and other contributing mental health factors. In addition, it required the automation of records to address concerns of delays for law-abiding gun purchasers.



State Statistics

As of December 31, 2023 there were 448,527 active mental health records for Texas in the NICS.



Active Records in the NICS Indices

UPDATED: As of March 31 , 2024

<u>Rank</u>	<u>Prohibited Category Description</u>	<u>Total</u>
1	Illegal/Unlawful Alien	14,802,203
2	Adjudicated Mental Health	7,625,176
3	Convicted of a crime, punishable by more than one year or a misdemeanor punishable by more than two years	5,371,921
4	State Prohibitor	2,921,279
5	Misdemeanor Crime of Domestic Violence Conviction	282,852
6	Under Indictment/Information	213,540
7	Protection/Restraining Order for Domestic Violence	89,728
8	Renounced U.S. Citizen	68,104
9	Unlawful User/Addicted to a Controlled Substance	58,856
10	Dishonorable Discharge	19,748
11	Fugitive from Justice	347
Grand Total		31,453,754

National Statistics

As of March 2024, Over 31 Million Active Cases are entered in the NICS Indices.

NICS Section

Since launching in 1998, more than 400 million checks have been done, leading to more than 2.3 million denials.

<https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics#Reports-%20Statistics>



Texas Statistics for Firearm Checks (By year)

NICS Firearm Background Checks: Month/Year by State

Year 2024

January 1, 2024 - March 31, 2024

NOTE:

These statistics represent the number of firearm background checks initiated through the NICS. They do not represent the number of firearms sold. Based on varying state laws and purchase scenarios, a one-to-one correlation cannot be made between a firearm background check and a firearm sale.

State / Territory	January	February	March	April	May	June	July	August	September	October	November	December	Grand Total
Texas	128,453	148,972	158,096										435,521

NICS Firearm Background Checks: Month/Year by State

Year 2023

January 1, 2023 - December 31, 2023

NOTE:

These statistics represent the number of firearm background checks initiated through the NICS. They do not represent the number of firearms sold. Based on varying state laws and purchase scenarios, a one-to-one correlation cannot be made between a firearm background check and a firearm sale.

Texas	131,221	140,653	151,915	127,394	125,580	121,507	109,274	122,787	123,482	139,625	159,578	180,418	1,633,434
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Federal Denials November 30, 1998 – March 31, 2024

Rank	Prohibited Category Description	Total
1	Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years.	1,182,158
2	Fugitive from Justice	229,800
3	Unlawful User/Addicted to a Control Substance	223,414
4	Misdemeanor Crime Domestic Violence Conviction	195,428
5	State Prohibitor	142,790
6	Under Indictment/Information	126,958
7	Adjudicated Mental Health	80,630
8	Protection/Restraining Order for Domestic Violence	79,454
9	Illegal/Unlawful Alien	49,411
10	Federally Denied Persons File	6,425
11	Dishonorable Discharge	1,716
12	Renounced U. S. Citizenship	117
	Grand Total	2,218,301

https://www.fbi.gov/file-repository/federal_denials.pdf/view



The largest number of denials are based on the finding of a Criminal Record.



State Background Check Statistics



Kentucky has the highest total number of Background Checks.

State	2022 Federal Denials	Total Number of Firearm Background Checks
Alabama	5,377	739,113
Alaska	881	84,802
Arizona	6,850	533,699
Arkansas	3,194	239,350
California	POC	
Colorado	POC	
Connecticut	POC	
Delaware	832	58,323
District of Columbia	161	16,102
Florida	6	
Georgia	12,427	601,407
Guam	7	3,673
Hawaii	POC	
Idaho	1,613	235,465
Illinois	POC	
Indiana	7,040	1,105,040
Iowa	1,522	218,703
Kansas	2,277	191,895
Kentucky	3,897	4,016,510
Louisiana	8,633	344,808
Maine	705	114,090
Maryland	1,315	326,114
Massachusetts	396	227,928
Michigan	5,633	789,160
Minnesota	1,796	891,044
Mississippi	3,731	284,864
Missouri	5,122	530,932
Montana	1,028	141,803
Nebraska	251	75,084
Nevada	POC	
New Hampshire	239	133,507
New Jersey	POC	
New Mexico	2,498	173,793
New York	3,361	447,567
North Carolina	3,839	612,695
North Dakota	847	72,458
Ohio	6,131	656,936
Oklahoma	3,226	370,275
Oregon	POC	
Pennsylvania	POC	
Puerto Rico	575	76,841
Rhode Island	178	27,900
South Carolina	6,736	423,098
South Dakota	609	87,589
Tennessee	POC	
Texas	23,376	1,732,651
Utah	POC	
Vermont	300	44,722
Virgin Islands	7	2,098
Virginia	POC	
Washington	1,726	706,260
West Virginia	2,289	192,868
Wisconsin	981	635,528
Wyoming	541	70,276

Table S: NICS Section Denials by State

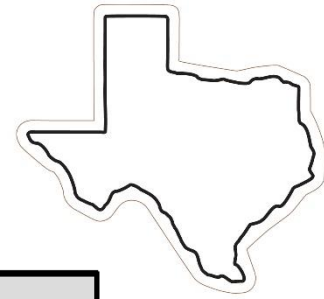
NOTE: State POC/Partial POC denial information cannot be verified by the NICS Section and is not included within the data on this chart.

Texas had the highest number of Denials in 2022.



Mental Health State Statistics- 2022

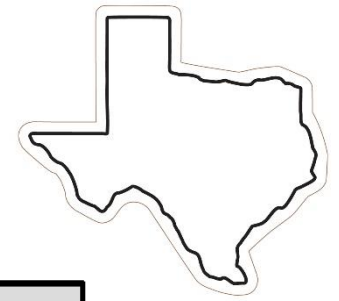
CONSTITUTIONAL COUNTY COURTS



MENTAL HEALTH CASES					
	Temporary Mental Health Services	Extended Mental Health Services	Modification		Order to Authorize Psychoactive Medications
			Inpatient to Outpatient	Outpatient to Inpatient	
<i>Intake</i>					
New Applications Filed	48,090	372	152	138	New Applications Filed 5,585
Orders for Protective Custody Signed	45,221	---	---	---	Dismissal Prior to Hearing 766
					Hearings Held 3,804
					Disposition at Hearing
<i>Hearings</i>					
Probable Cause Hearings Held	37,961	---	---	---	<i>Denied</i> 165
Release/Dismissal Prior to Final Hearing	46,258	58	2	34	<i>Granted</i> 3,790
Final Commitment Hearings Held	8,930	197	43	24	
<i>Other Information</i>					
Disposition at Final Hearing					
<i>Denied (Release)</i>	3,095	4	2	2	
<i>Granted (Commit)</i>					
<i>Inpatient</i>	4,322	221	23	---	
<i>Outpatient</i>	291	47	---	12	



Mental Health State Statistics - 2022



COUNTY-LEVEL COURTS

MENTAL HEALTH CASES					
	Temporary Mental Health Services	Extended Mental Health Services	Modification		Order to Authorize Psychoactive Medications
			Inpatient to Outpatient	Outpatient to Inpatient	
<i>Intake</i>					
New Applications Filed	48,187	407	162	154	New Applications Filed 5,494
Orders for Protective Custody Signed	46,109	---	---	---	Dismissal Prior to Hearing 657
					Hearings Held 3,635
					Disposition at Hearing
<i>Hearings</i>					
Probable Cause Hearings Held	38,127	---	---	---	<i>Denied</i> 210
Release/Dismissal Prior to Final Hearing	47,000	56	3	38	<i>Granted</i> 3,699
Final Commitment Hearings Held	8,950	221	51	35	
<i>Other Information</i>					
Disposition at Final Hearing					
<i>Denied (Release)</i>	3,090	5	2	3	
<i>Granted (Commit)</i>					
<i>Inpatient</i>	3,917	261	20	---	
<i>Outpatient</i>	303	50	---	11	



Reporting (HB 3352, 2009)

Effective 9/1/2009, Government Code §§ 411.052 and 411.0521 and Health and Safety Code § 574.088 require compliance with, and implementation of, the federal NICS Improvement Amendments Act of 2007.

**Reporting Mental
Health Records to
the NICS Index**



The Act requires the retroactive reporting of all relevant orders issued by the courts from 9/1/1989 through 8/31/2009, and the continued reporting of all relevant court orders issued from that point forward.



Reporting (SB 728, 2023)

- On June 25, 2022, the Bipartisan Safer Communities Act was signed into law. One of the most prominent changes to federal law under the Act was enhancing the review process for juvenile mental health record checks when a prospective buyer of firearms initiates a purchase from a Federal Firearms Licensee (FFL). The Act amended the definition of disqualifying mental health adjudications to include juveniles aged 16 years or older.
- Effective September 1, 2023, Senate Bill 728 was passed by the 88th Texas Legislature to align with federal law, amending Government Code §§ 411.052(a) and 411.0521 as well as Family Code § 58.007(a).



Reporting (SB 728)

- Maintains the criteria for reporting an incapacitated adult under guardianship at age 18 or older;
- Changes the definition of a *federal prohibited person* to an *individual “who is at least 16 years of age”* in the case of :
 - ☐ a person ordered by a court to receive inpatient mental health services;
 - ☐ a person acquitted in a criminal case by reason of insanity or lack of mental responsibility;
 - ☐ a person determined to have an intellectual disability and committed by a court for long-term placement in a residential care facility; and
 - ☐ a person determined to be incompetent to stand trial.



Reporting (SB 728)

- Adds to the definition of a federal prohibited person a child involved in a juvenile case who is at least 16 years of age and has been:
 - ☐ found unfit to proceed as a result of mental illness or an intellectual disability;
 - ☐ found not responsible for the child's conduct as a result of mental illness or an intellectual disability;
 - ☐ ordered by a court to receive inpatient mental health services as a result of mental illness; or
 - ☐ committed by a court to a residential care facility as a result of an intellectual disability.





https://www.dps.texas.gov/administration/crime_records/pages/cjisJJISReporting.htm

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CJIS and JJIS

[CJIS & JJIS Home](#)

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[DNA Supported Suspected Offender](#)

[Electronic Arrest Reporting \(EAR\)](#)

[Electronic Disposition Reporting
\(EDR\)](#)

[Mobile ID](#)

[NICS Indices Entry Reporting](#)

CJIS and JJIS Reporting

Here you will find all the details, explanations and user manuals to report criminal and juvenile justice information to DPS for inclusion in the Computerized Criminal History (CCH). You will find the CR-50A (Juvenile) and CR-50B (Adult) reporting manuals that give step-by-step instructions, including definitions, for how to fill out the CR-43, CR-44, CR-43J and CR-44J Criminal History Reporting Forms.

If you would like to receive training on these forms or the information that is required for reporting, please contact your CJIS Field Auditor. There is a map of the CJIS Regions as well as a list of the counties and their field auditors that includes contact information for all of the auditors. You can also contact the main CJIS Office by calling (512) 424-2478 or emailing: cjisjjis@dps.texas.gov.

NICS REPORTING CHART

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

Cases to Report	Case Status	Patient Status	Facilities	Report Due
1. Mental Health or Intellectual Disability Commitments – 16 years of age or older				
a. Court-Ordered Mental Health Commitment (Health and Safety Code, Chapter 574)	Order for court-ordered inpatient commitment signed & filed	Court-ordered temporary or extended inpatient mental health commitment	State hospitals, private hospitals, Veterans' Affairs hospitals, etc.	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
b. Commitment to Long-Term Residential Care (Health and Safety Code, Subchapter C, Chapter 593)	Order for commitment signed & filed	Intellectually disabled	State supported living center or ICF-IID component of the Rio Grande Ctr	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS



NICS REPORTING CHART

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

Cases to Report	Case Status	Patient Status	Facilities	Report Due
2. Criminal Cases – Adults (17 years or older) or Juveniles (under 17 years of age) Certified as an Adult				
a. Incompetency to Stand Trial (Code of Criminal Procedure, Chapter 46B)	Order of determination of incompetency to stand trial; order extending previously ordered commitment	Found incompetent to stand trial, including mental illness or intellectual disability – released on bail or committed to treatment facility or jail-based competency restoration program	Outpatient or jail-based competency restoration program, mental health facility, or residential care facility	Within 30 days of court order to NICS
b. Acquittal for reasons of insanity or lack of mental responsibility (Code of Criminal Procedure, Chapter 46C)	Final acquittal disposition reflecting insanity or lack of mental responsibility	Insanity or lack of mental responsibility	Regardless of order for inpatient treatment or residential care	Within 30 days of court order to NICS and within 5 days of disposition (to CJIS)



NICS REPORTING CHART

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

Cases to Report	Case Status	Patient Status	Facilities	Report Due
3. Juvenile Cases (Delinquent Conduct or Conduct Indicating a Need for Supervision) – 16 years of age				
a. Unfit to Proceed (Family Code, Chapter 55, Subchapter C or Health and Safety Code, Chapter 574)	Court finding or jury verdict regarding unfitness to proceed due to mental illness or intellectual disability	Mental illness or intellectual disability	Placed in outpatient program or private inpatient psychiatric facility; commitment to mental health facility; or commitment to residential care facility	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
b. Not Responsible for Conduct (Family Code, Chapter 55, Subchapter D)	Court finding or jury verdict regarding lack of responsibility due to mental illness or intellectual disability	Mental illness or intellectual disability	Regardless of order for inpatient treatment or residential care	Within 30 days of court order to NICS



NICS REPORTING CHART

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

Cases to Report	Case Status	Patient Status	Facilities	Report Due
3. Juvenile Cases (Delinquent Conduct or Conduct Indicating a Need for Supervision) – 16 years of age				
c. Court-Ordered Mental Health Commitment (Family Code, Chapter 55, Subchapters B, C, or D or Health and Safety Code, Chapter 574)	Order for court-ordered inpatient commitment signed & filed	Court-ordered temporary or extended inpatient mental health commitment	State hospitals, private hospitals, etc.	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
d. Commitment to Long-Term Residential Care (Family Code, Chapter 55, Subchapter C or D or Health and Safety Code, Subchapter C, Chapter 593)	Order for commitment signed & filed	Intellectually disabled	State supported living center or ICF-IID component of the Rio Grande Ctr	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS



NICS REPORTING CHART

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

Cases to Report	Case Status	Patient Status	Facilities	Report Due
4. Guardianships of an Adult - 18 years of age or older				
Court Appointed Guardian of Incapacitated Adult (Estates Code, Title 3)	Order appointing permanent or temporary guardian signed & filed	Incapacitated adult who lacks mental capacity to manage his/her affairs, requiring guardian of the person, estate, or person and estate	None specified	Within 30 days of court order to NICS
	Order granting relief from firearm disability signed (EC §1202.201)	May petition for relief from firearms disability if guardianship was terminated because the person's capacity was completely restored	N/A	Within 30 days of court order to NICS
5. Reversal of Order by Appellate Court				
Reversal of order	Mandate issued by appellate court	N/A	N/A	Within 30 days of receipt of mandate from appellate court by clerk



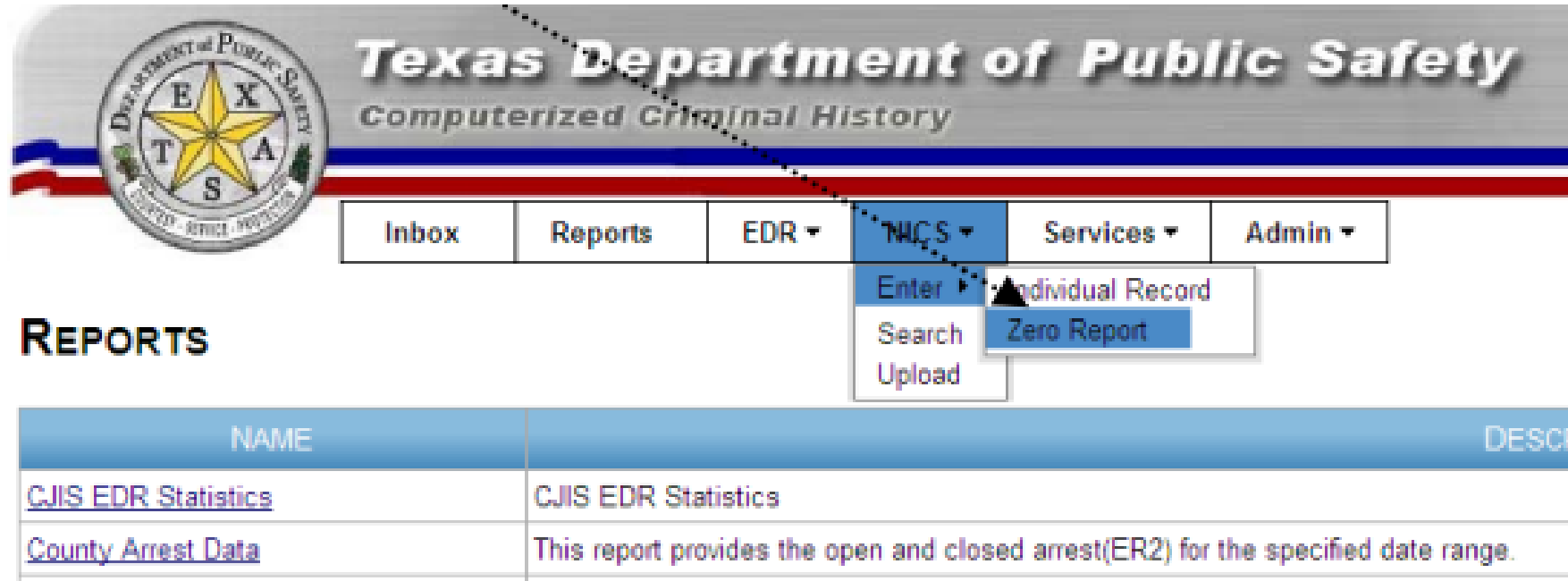
Reporting

County and District clerks must report:

- Information on prohibiting mental health adjudications and commitments to the Texas Criminal Justice Information System (CJIS) **within 30 days** of the order/judgment being issued.
- If no activity for that month, a **Zero Activity Report** must be submitted to comply.



No Activity to Report? Zero Report Required



REPORTS

NAME	DESCR
CJIS EDR Statistics	CJIS EDR Statistics
County Arrest Data	This report provides the open and closed arrest(ER2) for the specified date range.



DO NOT REPORT



- Guardianships of **minors**;
- **Emergency** mental health detentions, admissions or warrants;
- Orders of protective custody;
- **Voluntary** commitments;

Continued on next slide



DO NOT REPORT



- Commitments for:
 - Court-ordered temporary or extended **outpatient** mental health services;
 - Applications for court-ordered inpatient mental health services that are forwarded to another county to re-file or to hear your original filing;
 - Court-ordered inpatient chemical dependency or alcohol services.
 - Juvenile (Delinquent Conduct or Conduct Indicating a Need for Supervision) cases in which the respondent is under 16 years of age



Orders to Report



- Orders issued on or after September 1, 2009 must be entered into NICS/CJIS **not later than 30 days** after the date of the court order.
- If an appellate court reverses an order previously reported, the entry in NICS/CJIS **must be cancelled by the clerk not later than 30 days after the clerk receives the mandate from the appellate court.**



Mental Health Orders to Report



- Commitments of individuals 16 years or older for temporary or extended inpatient mental health services under Chapter 574, Health and Safety Code or Chapter 55, Family Code. This includes individuals involuntarily committed to state hospitals, private hospitals, Veterans' Affairs hospitals, etc.;
- Commitments of individuals 16 years or older determined to have intellectual disabilities requiring long-term placement in a residential care facility under Chapter 593, Health and Safety Code or Chapter 55, Family Code;



Mental Health Orders to Report



- Acquittals in criminal cases for reasons of insanity or lack of mental responsibility, whether or not the person was ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure; and
- Criminal cases in which a person is found to be incompetent to stand trial under Chapter 46B, Code of Criminal Procedure;
- Juvenile cases in which a child 16 years of age or older is found to be unfit to proceed under Subchapter C, Chapter 55, Family Code;



Mental Health Orders to Report



- Juvenile cases in which a child 16 years of age or older is found not responsible for the child's conduct under Subchapter D, Chapter 55, Family Code; and
- Cases in which the court appoints a guardian of an incapacitated adult individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage his/her affairs (adult guardianships of the person, estate, or person and estate, including temporary guardianships).

Note: It is the signed COURT ORDER in each of the cases above that triggers the reporting requirement. DO NOT REPORT based on the filing of a medical or psychological examination report presented as evidence; there must be an order filed by the court.



Breaking Down Mental Health Commitment Orders to Report

- Commitments for **temporary or extended inpatient mental health services**:
 - If more than 1 commitment order, **all should be reported**.
 - If a court initially issues a **temporary** commitment order and then later issues an **extended** commitment order (or **another temporary** commitment order), **each commitment order is reported**.
 - Any initial commitment order for extended mental health services and a renewal order for services, **are each reported**.



Breaking Down Mental Health Commitment Orders to Report

- A new case is required for each application for court-ordered inpatient mental health services, regardless if the application is for temporary or extended mental health services.
- If multiple applications for commitment orders exist for the same individual under the same cause number, **report each order** in NICS by adding a numerical suffix, such as -1, -2,-3, etc. at the end of the cause number.



Guardianship Orders to Report



- **Adult Guardianship**

- Cases in which the court appoints a guardian of an incapacitated adult individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage his/her affairs (**adult guardianships of the person, estate, or person and estate, including temporary guardianships**)



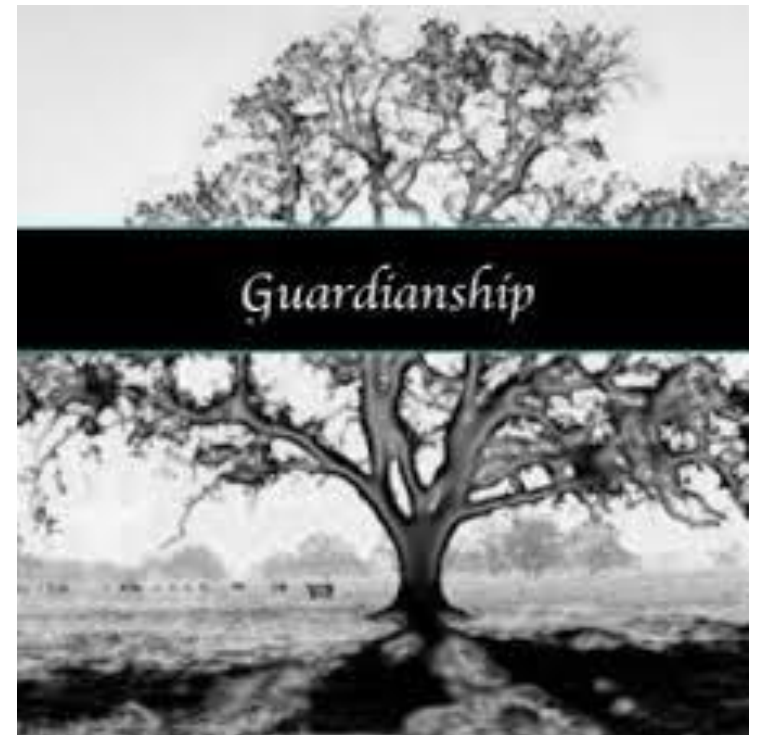
Breaking Down Guardianship Orders to Report

- **Report orders appointing guardians of the person, estate, or person and estate of mentally incapacitated adults, including:**
 - Temporary guardianships;
 - Cases in which Texas Health and Human Services is appointed as guardian;
 - Cases in which a guardian of the person or guardian of the person and estate is appointed for a person found to be partially incapacitated.



Breaking Down Guardianship Orders to Report (continued)

- Report cases in which an order previously reported is reversed by an order of any court within 30 days of receipt of the mandate from the appellate court.
- A person whose guardianship was terminated because their capacity was completely restored may file an application with the court that created the guardianship for an order requesting removal of their disability to purchase a firearm. *Estates Code §1202.201*



Criminal Orders to Report



- **Acquittals in criminal cases for reasons of insanity or lack of mental responsibility**, whether the person was ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;
- Determination that a person is **incompetent to stand trial** under Chapter 46B, Code of Criminal Procedure.



Breaking Down Criminal Orders (Incompetent)

- **Incompetent to stand trial** under Chapter 46B, Code of Criminal Procedure
 - Original incompetency finding **is reported**
 - Any additional order(s) finding that the defendant *remains incompetent* **are not reported, however –**
 - Orders *continuing* a defendant's commitment **are reported** (Criminal Commitment Order)



Removing Records from NICS

- The NICS entry for a person remains in the database if:
 - They are later found competent to stand trial
 - They are discharged from court ordered inpatient mental health services
 - Guardianship of the person is terminated and their capacity judicially restored

CANCELLED



Canceling a Record in the CJIS/NICS Database

- If a record was entered into the database in error (for example, a minor guardianship was entered), the incorrectly entered record can be cancelled through the CJIS record cancellation process.

CANCELLED



Restoring Rights

- To regain rights to possess a firearm, the person must petition the court of jurisdiction and present evidence during a hearing demonstrating that he/she is no longer a danger to public safety.

Data to Report

- All records **must** contain the following information:
 - Court ORI
 - Case Number
 - Case Type
 - Court Date (*Date of order/judgment*)
 - First Name
 - Last Name
 - Date of Birth (*Note: you may enter this with only 2 of the 3 numbers in the birth date*)
 - Sex
 - Race (*Note: you may select “Unknown”*)



Data to Report

- The following fields are **optional**:
 - State Identification Number
 - Social Security Number
 - Driver License Number



Older Cases to Report

- HB 3352 requires clerks to submit records for cases in which an order was issued on or after **September 1, 1989** and before **September 1, 2009** by September 1, 2010.
- Although this deadline has passed, older cases must still be entered until all required reporting is completed.



Older Cases to Report

- Suggestions for researching older cases include:
 - Running reports from the case management system to identify cases that may need to be reported;
 - Reviewing docket books to find potentially reportable cases and preparing a list of those cases.
 - Clerk will need to review the actual case file to confirm that it is a reportable case.
-



How to Report MH Cases in CJIS/NICS

The DPS NICS Reporting Manuals are online here:

<https://www.dps.texas.gov/section/crime-records/texas-nics-indices-entry-reporting>



Texas NICS Mental Health Reporting Manual

August 2024

**NICS Indices Entry (NIE)
User Guide**

Version 1.3.1
September 4, 2024

Record Retention Requirements



- Currently, there is no record retention schedule specifically for mental health-related cases reported to CJIS/NICS. They fall under various case categories:
 - Criminal
 - Guardianship
 - Commitment
 - Admission to state care

Record Retention - Best Practice

- A recommended **best practice** is to maintain the NICS mental health related records separately from other records for quick access. This will assist in responding quickly to the FBI requests for additional or clarifying information during a background check.



Record Retention - Best Practice

- Maintain personal identifying information obtained from other databases or sources (such as case management system, jail, and skip tracing records) by making photocopies of the identifying information and retain those copies in the file for reference.



Resources

Office of Court Administration

- Texas NICS Mental Health Reporting Manual

<https://www.txcourts.gov/media/1459061/nics-reporting-manual-2024-final.pdf>

Texas Department of Public Safety

- The DPS Reporting Manuals are online here:

<https://www.dps.texas.gov/section/crime-records/texas-nics-indices-entry-reporting>

- For NICS Reporting questions and record validation, contact your CJIS Field Auditor directly or the CJIS Field Audit Unit:

CJISJJIS@dps.texas.gov

Phone Number- 512-424-2478



Contact Information

- For questions about what type of cases to report, contact Research and Court Services, Office of Court Administration, at court.services@txcourts.gov or 512-463-2417.
- For questions about CJIS access and ORIs, contact the Department of Public Safety — Cassandra Richey, EDR Coordinator, at cassandra.richey@dps.texas.gov or 512-424-2479.

