

Concealed Handgun Licensing Changes Effective March 23, 2015

Sheriff,

As you are aware HB-234 becomes effective on March 23, 2015 and makes several changes to the licensing and eligibility requirements. A primary change is a requirement that a Sheriff conduct a National Criminal Background Check (NICS). This is a new feature, conducted on your LEADS terminal and is explained in detail, with examples, on the following pages.

NICS is a federal system and is the same background conducted by firearm dealers for sale purposes. Although, as law enforcement our checks will provide detailed information, should it exist, from NCIC, III & NICS in one query. Thus eliminating the need to run a computer based BCI-CCH inquiry as it will be automatically checked by using NICS. A web check, as is currently being done, is still required to verify identification. The reply to the inquiry is instant and may be conducted by any LEADS operator. This feature will be available on your terminals the first week of March. I will send an e-mail when it has been activated.

As for additional information concerning the NICS checks. It is not required to have an "agency case #" when conducting a check for licensing purposes. Although since we now have access to the system, your deputies may find the information helpful while conducting investigations. The proper "purpose code" would need to be selected and an agency case number should be provided. As well, unlike BCI-CCH inquires, no separate log is required to be made for these inquires. The system maintains an internal computerized log.

Finally concerning NICS checks. The last page of the following information provides a process to report the status to NICS. This is not required. Although should you deny a license, for any reason, it would be helpful to provide this information. Doing so would provide another Sheriff's Office information that the applicant had been previously denied, and eliminating license shopping.

The bill has also made several other changes to the CCW laws. Attached is the LSC analysis which outlines those changes. They include issues concerning reciprocity, eligibility for licensing and the expanded use of funds in your CCW expense account.

Another change unrelated to licensing concerns certification of federal forms. These are usually associated with the purchase of silencers or weapons requiring federal authorization. Currently an applicant provides these forms to the Sheriff for a signature. Under the changes, we are now required to conduct the same background investigation associated with the licensing process. This would also include collecting the appropriate fees as the licensing procedure.

Please provide this information to your licensing staff. Should you have any questions please contact you local prosecutor. As well feel free to contact me.

Sheriff Jim Sabin
CCW Chairman
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NICS Background Checks for Issuance of Concealed Handgun Licenses

Ohio House Bill 234

Ohio House Bill 234

Ohio House Bill 234 will become law on March 23rd, 2015, which requires sheriffs to contact the National Instant Criminal Background Check System (NICS) to verify that concealed handgun license (CHL) applicants are eligible lawfully to receive or possess a firearm in the United States. The NICS check shall be completed by using the Query NICS and all Protection Orders (QNP) with purpose code 14 (permit firearms state) through LEADS. Responses received from the QNP can be used to determine CHL eligibility. Sheriffs are encouraged to contact the local prosecutor with questions on determining eligibility.

Conducting an NCIC QNP

Information from the NICS Index is easy to utilize

Currently, the NICS Index maintains over 12.5 million records provided by local, state, tribal, and federal agencies that identify persons prohibited from receiving/possessing firearms pursuant to federal or state law. Most of the information in the NICS Index is not available in the NCIC or the III; hence, the information is only available through a NICS check. Some examples of records unique to the NICS Index are about persons who are prohibited based on: mental health adjudications or commitments; an illegal/unlawful alien status; controlled substance abuse, etc.

Since all records submitted to the NICS Index are predetermined to be firearm prohibiting by the record-contributing agency prior to their entry into the database, a valid match of the NICS Index record holder to the prospective licensee provides the agency with the basis for a deny decision in accordance with federal or state law.

Conducting an NCIC QNP

Familiarity of records and background check processes

Law enforcement agencies conduct background checks on persons for various purposes in the administration of criminal justice and are thus, familiar with the use of NCIC information (e.g., protection/restraining orders, arrest warrants) and III criminal history information. When a LEADS certified sheriff's office employee conducts a NICS background check through the NCIC for the purpose of concealed handgun license issuance, any matching NCIC or III records are returned for review and evaluation.

Conducting an NCIC QNP

LEADS certified operators can initiate NICS background checks through the LEADS via a QNP from all Ohio Sheriff's Office ORIs.

The following data is **required** by LEADS to initiate a QNP:

- Originating Agency Identifier (ORI)
- First and Last Name
- Gender
- Race
- Date of Birth
- State of Residence
- Purpose Identification Number

The screenshot shows a web-based form titled "QNP - NICS Query and all Protection Orders". The form is divided into several sections:

- Header Information:** Includes a dropdown menu for "ORI".
- Required Information:** This section contains several fields marked with an asterisk (*):
 - * Name: Text input field.
 - * Sex: Dropdown menu.
 - * Race: Dropdown menu.
 - * Date of Birth: Text input field.
 - * State of Residence: Dropdown menu.
 - * Purpose: Dropdown menu with "14 = Gun Permit of Any Type" selected and highlighted in yellow.
 - Agency Case #: Text input field.
- Identifying Information:** This section contains several fields:
 - Place of Birth: Dropdown menu.
 - Height: Text input field.
 - Weight: Text input field.
 - Social Security #: Text input field.
 - Miscellaneous #: Dropdown menu.
 - Attention: Text input field.
 - Citizenship Status: Dropdown menu.
 - Country of Citizenship: Three separate dropdown menus.
 - Non-Immigrant with Visa Exception Status: Dropdown menu.

At the bottom of the form, there are three buttons: "Submit", "Clear", and "Close".

QNP Response—No Hits

This sample QNP response indicates the subject's name and descriptive data did not generate any hits to information made available through the national databases searched by the NICS.

```
6L01XXXXXXXXXXXXXXXXX
DATE: 02/01/14 TIME: 11:35
ATN/SOME PERSON
NAM/GUNBACH, IVANA MIA SEX/F RAC/W
DOB/06/12/89
SOC/234-00-5678 SOR/WV

STATESEARCHRESPONSE--COMPLETE

NCIC - NO RECORDS FOUND
III - NO RECORDS FOUND
NICS - NO RECORDS FOUND

NTN/XXXX-XXX

NICS-END
```

QNP Response—NICS Index Hit

This sample QNP response indicates the NICS generated a hit of the prospective licensee's name and descriptive information to the name and descriptive information of the subject of a NICS Index record. If deemed a "valid" match, the sheriff should review the record, conduct any outreach, etc., in order to determine if a state or federal firearm prohibition exists.

```
NAM/DEBANKS, ROB SEX/M RAC/W DOB/08/21/1978
SOC/987-00-6543 SOR/WV
STATESEARCHRESPONSE--COMPLETE
NCIC - NO RECORDS FOUND
III - NO RECORDS FOUND
NICS - HITS
NTN/XXXX-XXX
NICS RESPONSE DATA:
===== NICS INDEX =====
NICS RESPONSE DATA:
RECORD FOUND BY: PRIMARY NAME
NRI: 1234567890 STATUS: ACTIVE EXPIRATION DATE: N/A
PCA: D - Adjudicated Mental Defective/Committed to a Mental Institution
NAM: DeBanks, Rob
SEX: M RAC: W HGT: N/A WGT: N/A EYE: N/A HAI: N/A
POB: WV SOR: N/A
DOB: 08/21/1978
SSN: N/A
AKA: N/A
SMT: N/A
MNU: N/A
MIS: No additional descriptive information available
ORI: WVSP02X5 OCA: 41600620XXXX
DNY: N/A
DATA-SRC: WV
ARI: WVCR22122
CREATED-DATE: 05/19/2011
UPDATED-DATE: 05/19/2011
NICS-INDEX-END
NCIC-BEGIN
NCIC RESPONSE DATA:
NICS-END
```


QNP Response—NCIC Hit

This sample QNP response shows the NICS generated a hit of the subject's name and descriptive information to the name and descriptive information of the subject of an NCIC record. If deemed a "valid" match, the sheriff should review the record, conduct any outreach, etc., in order to determine if a state or federal firearm prohibition exists.

NAM/GRUDGE, KAREN A SEX/F RAC/W DOB/04/30/1989
SOC/123-00-4567 SOR/WV

STATESEARCHRESPONSE--COMPLETE

NCIC - HITS
III - NO RECORDS FOUND
NICS - NO RECORDS FOUND
NTN/XXXX-XXX

===== N C I C ===== (1 OF 1)

MKE/PROTECTION ORDER
NAM/GRUDGE, KAREN A

SEX/F RAC/W POB/0H DOB/19890430
HGT/506 WGT/120 EYE/BLU HAI/BRO
BRD/Y ISD/20130801 EXP/NONEXPIRING

PCO/01 - THE SUBJECT IS RESTRAINED FROM ASSAULTING, THREATENING, ABUSING,
PCO/HARASSING, FOLLOWING, INTERFERING, OR STALKING THE PROTECTED PERSON AND/OR
PCO/THE CHILD OF THE PROTECTED PERSON.

PCO/02 - THE SUBJECT MAY NOT THREATEN A MEMBER OF THE PROTECTED PERSON'S FAMILY.

PCO/04 - THE SUBJECT IS REQUIRED TO STAY AWAY FROM THE RESIDENCE, PROPERTY,
PCO/ OR PLACE OF EMPLOYMENT OF THE PROTECTED PERSON OR OTHER FAMILY .

PCO/05 - THE SUBJECT IS RESTRAINED FROM MAKING ANY COMMUNICATION WITH THE
PCO/PROTECTED PERSON INCLUDING BUT NOT LIMITED TO, PERSONAL, WRITTEN, OR
PCO/TELEPHONE.

PCO/07 - THE SUBJECT IS PROHIBITED FROM POSSESSING AND/OR PURCHASING A FIREARM
PCO/OR OTHER WEAPON.

SSN/123-00-4567

ORI/0H0680000 FBI/12345XXX3

PNO/10DVXXX938 CTI/0H0XXXXX3J

NIC/H06XXXXX16

NICS-END

QNP Response—III Hit

This sample QNP response shows the NICS generated a hit of the subject's name and descriptive information to the name and descriptive information of the subject of a III record. If deemed a "valid" match, the sheriff should obtain and review the criminal history record in order to determine if a state or federal firearm prohibition exists.

The criminal history record can be obtained by conducting a Query NICS Record (QNR) using the FBI number denoted in the QNP response or by conducting an Nlets Record Query (FQ) using either the FBI number for out-of-state records or Query Record Ohio (QRO) using the BCI number denoted in State Identification Number (SID) for in-state records.

```
NAM/O'SHEA, RICK SEX/M RAC/W DOB/11/15/1968
SOC/ 111-00-3333 SOR/WV
STATESEARCHRESPONSE--COMPLETE
NCIC - NO RECORDS FOUND
III - HITS
NICS - NO RECORDS FOUND
NTN/XXXX-XXX
===== III =====
THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON NAM/DOE, JANUS SEX/F RAC/B DOB/19670313 PUR/F
NAME           FBI NO.           INQUIRY DATE
O'SHEA, RICK   123456XX 7       2014/01/01
SEX  RACE     BIRTHDATE  HEIGHT  WEIGHT  EYES  HAIR  BIRTH PLACE
M    W        1968/11/15   510     190    BLK   BLK   CO
SOCIAL SECURITY
111-00-3333
THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:
FBI           - FBI/123456XX7           - COURT DISPOSITION PENDING
/CONVICTION STATUS UNKNOWN
VIRGINIA     - STATE ID/VA12XX567     - NO DISQUALIFICATIONS FOR FIREARMS
THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE TRANSACTION.
-----
NICS-END
```

QNP Processing

Ensure Eligibility to Receive/Possess

When processing NICS background checks through the NCIC, sheriffs should ensure the prospective licensee is not disqualified from receiving or possessing firearms based on any of the federal firearm prohibitions and any applicable state firearm prohibition.

Process Deny Challenges/Appeals

Sheriffs conducting QNPs for CHL purposes should address any challenges/appeals requested by persons who believe they have been wrongfully denied a CHL based on a deny decision rendered by the agency.

CHL applicant challenges/appeals of NICS Index records should be referred to the entering agency/originating agency identifier (ORI) of the record.

LEADS is not a party to any challenge/appeal proceedings.

QNP Processing

Audits

Sheriffs conducting QNPs for CHL purposes must participate and support federal audits of their NICS usage and access.

Retention of NICS Information


Information associated with allowed NICS transactions is purged from the NICS pursuant to federal retention regulation (28 C.F.R. 25.9). The QNP checks conducted by sheriffs through the NCIC for CHL purposes are not subject to federal-mandated NICS retention; however, they may be subject to state and/or agency retention regulation/policy. Information associated with denied NICS checks is retained by the NICS on site. Denied transaction information is retained by the FBI for a period of 110 years.

Providing a Final Status to the NICS

The final status (proceed or deny) of each NICS background check conducted should be electronically transmitted to the NICS by the agency. This is accomplished through the agency interface with the NCIC via the transmission of a NICS Proceed Notification (NPN) or a NICS Denial Notification (NDN).

Providing a final status to the NICS (with emphasis on denied license applications) is highly encouraged as it allows the NICS to retain the information for availability to other vital purposes, such as:

- During the CJIS audit process;
- Responding to outreach efforts seeking assistance with specific record review and assessment;
- When processing appeal requests;
- For availability to law enforcement for law enforcement purposes via the NICS Denied Transaction File on the NCIC.



The image shows a screenshot of a web-based form titled "NDN - Denial Notification". The form is organized into several sections:

- Header Information:** Contains a dropdown menu for "QRI" and a text input field for "Control Field".
- Required Information:** Contains a text input field for "NICS #", marked with a red asterisk.
- One of the Following:** Contains three text input fields: "EBI #", "NCIC #", and "NCIC Record ID".
- Miscellaneous Information:** A large, empty text area with a vertical scrollbar on the right side.

At the bottom of the form, there are three buttons: "Submit", "Clear", and "Close".