

FBI Criminal Justice Information Services Division  
National Instant Criminal Background Check System (NICS) Section  
Active Records in the NICS Indices as of December 31, 2021

### **Quick Reference Information**

The NICS Indices contains information provided by federal, state, local, and tribal agencies of persons prohibited from receiving firearms under federal or state law. If the information is available in the National Crime Information Center (NCIC) or the Interstate Identification Index (III), entry into the NICS Indices is not always necessary; **therefore, certain categories within the NICS Indices may show minimal or no participation by a federal or state agency.**

#### NICS Indices Categories and Participation

1. Felony—the number of entries in this category **might be low or nonexistent**, because the best location for the information is III. A NICS Indices entry would be ideal if the felony conviction information is not available in III.
2. Under Indictment/Information—the number of entries in this category **might be low or nonexistent** because this information may be found in III.
3. Fugitive from Justice—the number of entries in this category **might be low or nonexistent** because, ideally, warrants are contained in NCIC.
4. Unlawful User/Addicted to a Controlled Substance—this information may be found in III; however, if a qualifying conviction does not exist, but the prohibition has been established, the NICS Indices is an alternative.
5. Adjudicated Mental Health—since most information for this prohibition is not available in III, there is the expectation for the number of entries in this category to be elevated.
6. Illegal/Unlawful Alien—the U.S. Immigration and Customs Enforcement (ICE) makes the majority of the entries; therefore, the number of entries in this category by other federal agencies or the states **should be low or nonexistent**.
7. Dishonorable Discharge—the U.S. Department of Defense (DoD) makes entries; therefore, the number of entries in this category by other federal agencies or the states **should be low or nonexistent**.
8. Renounced U.S. Citizenship—the U.S. Department of State (DOS) makes entries; therefore, the number of entries in this category by other federal agencies or the states **should be low or nonexistent**.
9. Protection/Restraining Order for Domestic Violence—the number of entries in this category **might be low or nonexistent** because protection order information ideally is contained in NCIC.
10. Misdemeanor Crimes of Domestic Violence (MCDV)—this information may be found in III; however, if the information is unable to be updated to III, the NICS Indices is an alternative.
11. State Prohibitor or Court-Ordered Firearm Restriction—these prohibitors include individuals who are prohibited based on state law or court-ordered firearm restriction only. This category is unique to each state/territory and dependent upon state law.

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State/Territory	Felony	Under Indictment/Information	Fugitive from Justice	Unlawful User/Addicted to a Controlled Substance	Adjudicated Mental Health	Illegal/Unlawful Alien	Dishonorable Discharge	Renounced U.S. Citizenship	Protection/Restraining Order for Domestic Violence	Misdemeanor Crime of Domestic Violence	State Prohibitor or Court-Ordered Firearm Restriction	Totals
Alabama	1	1	0	0	14,702	0	0	0	0	1	0	14,705
Alaska	3,460	0	0	5	944	0	0	0	1,815	481	17	6,722
American Samoa	0	0	0	0	0	0	0	0	0	0	0	0
Arizona	1,024	0	0	2	52,399	0	0	0	0	3	2	53,430
Arkansas	14,190	0	0	2	5,447	5	0	0	5	3,748	0	23,397
California	9,920	3	1	1	1,117,476	16	2	0	12	15,136	870,301	2,012,868
Colorado	21	2	0	0	118,560	1	0	0	361	502	33	119,480
Connecticut	399,046	39	23	1,527	89,130	3	0	0	3	33,617	158,845	682,233
Delaware	0	0	0	172	17,544	0	0	0	0	0	28	17,744
Florida	69,032	32	1	114	200,663	3	0	0	8	318	12,516	282,687
Georgia	0	0	0	55	17,051	2	0	0	0	1	0	17,109
Guam	0	0	0	0	0	0	0	0	0	0	0	0
Hawaii	6	0	0	28	9,555	0	0	0	0	14	76	9,679
Idaho	0	0	0	0	40,789	0	0	0	0	1	1	40,791
Illinois	33,896	8,908	67	1,467	64,454	101	67	25	572	4,770	45,720	160,047
Indiana	527,765	7	0	3	15,738	1	0	0	5	15,661	4,948	564,128
Iowa	166	23	1	26	60,441	8	4	0	78	230	5,590	66,567
Kansas	0	0	0	4,068	8,143	0	0	0	2	9,111	408	21,732
Kentucky	4,535	6	0	0	50,876	0	0	0	0	764	0	56,181
Louisiana	578,644	134,727	1	14,865	11,480	1	0	0	4,851	39,527	10,209	794,305
Maine	77,248	2,771	0	587	5,920	0	0	0	0	3,647	2,805	92,978
Mariana Islands	0	0	0	0	0	0	0	0	0	0	0	0
Maryland	27	0	0	10	19,342	0	0	0	1	0	10,954	30,334
Massachusetts	266,688	100	0	33	63,282	0	0	0	0	2,441	499,815	832,359
Michigan	418	23	10	1,059	171,660	1	2	0	250	73	879	174,375
Minnesota	93	2	6	1,007	86,729	0	0	0	53	907	3,749	91,735
Mississippi	0	1	0	1	26,245	0	0	0	0	0	0	26,247
Missouri	1	0	0	10	58,010	0	0	0	0	0	0	58,021
Montana	1	0	0	0	36	0	0	0	0	1	0	38
Nebraska	13	2	0	0	33,941	1	0	0	0	2,727	3,548	40,232
Nevada	2,094	0	0	39	11,389	0	0	0	38	3,413	11	16,984
New Hampshire	159,704	0	0	998	657	0	0	0	0	15,469	1	176,829
New Jersey	38	0	0	0	523,840	26	0	0	27	45	0	523,976
New Mexico	224,611	0	0	0	36,755	0	0	0	4,330	28,206	6,920	300,822
New York	1	1	0	0	860,454	0	0	0	58,817	374	389,944	1,309,591
North Carolina	315,417	32	13	14	452,878	13	36	2	319	2,174	502	771,400
North Dakota	0	0	0	0	7,114	0	0	0	0	1	0	7,115
Ohio	2	0	0	128	74,518	0	0	0	3	2	281	74,934
Oklahoma	2,576	0	0	0	8,775	0	0	0	1	193	0	11,545
Oregon	0	1	0	9	41,001	0	0	0	0	0	1	41,012
Pennsylvania	346,577	2	0	1,007	984,371	1	2	0	0	65	121,988	1,454,013
Puerto Rico	26,047	1,765	0	0	0	0	0	0	0	0	0	27,812
Rhode Island	0	0	0	4	2,256	0	0	0	0	0	0	2,260
South Carolina	2,502	7,230	0	3,328	108,699	0	1	0	21	7	3,395	125,183
South Dakota	2	0	0	0	2,005	0	0	0	0	0	0	2,007
Tennessee	15	0	0	2	72,344	0	0	0	1	9	0	72,371
Texas	100,879	0	0	1	332,382	14	1	0	0	44	20	433,341
Utah	43	220	0	176	15,992	0	0	0	1,025	452	1,278	19,186
Vermont	32,055	0	0	13	2,786	0	0	0	0	2	658	35,514
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	142,979	31	0	228	323,011	0	0	0	4	3,394	61,643	531,290
Washington	1,611	46	48	79	163,855	53	4	3	265	618	3,332	169,914
West Virginia	2	2	0	2	77,424	3	0	0	0	0	1	77,434
Wisconsin	138	2	0	462	47,383	0	0	1	4	374	0	48,364
Wyoming	31	1	0	69	17	0	0	0	4	124	0	246
Totals	3,343,519	155,980	171	31,601	6,510,463	253	119	31	72,875	187,836	2,220,419	12,523,267

Active Records in the NICS Indices  
As of December 31, 2021

<u>Federal Agencies</u>	Felony	Under Indictment/Information	Fugitive from Justice	Unlawful User/Addicted to a Controlled Substance	Adjudicated Mental Health	Illegal/Unlawful Alien	Dishonorable Discharge	Renounced U.S. Citizenship	Protection/Restraining Order for Domestic Violence	Misdemeanor Crime of Domestic Violence	State Prohibitor or Court-Ordered Firearm Restriction	Totals
Amtrak Railroad Police	0	0	0	0	0	0	0	0	0	0	10	10
Department of Agriculture, U.S.	275	0	0	0	0	0	0	0	0	0	0	275
<b><u>Department of Defense</u></b>												
Air Force Office of Special Investigations, U.S.	7,454	299	1	9,356	34	0	1,237	0	1	388	0	18,770
Army, U.S.	20,266	281	64	11,521	14	0	6,765	0	0	838	0	39,749
Department of Defense, U.S.	227	73	0	0	1	0	5,103	0	0	0	0	5,404
Marines, U.S.	1,745	34	0	631	6	3	1,536	0	7	140	0	4,102
National Security Agency, U.S.	0	0	0	3	0	0	0	0	0	0	0	3
Naval Criminal Investigative Service, U.S.	5,660	40	0	1,121	23	0	4,418	0	3	376	0	11,641
Navy, U.S.	0	0	0	0	2	0	0	0	0	0	0	2
Pentagon Force Protection Agency	2	1	0	6	1	0	0	0	0	0	0	10
Department of Education, U.S.	52	2	0	0	1	0	0	0	0	0	0	55
Department of Energy, U.S.	0	0	0	0	1	0	0	0	0	0	0	1
Department of Health and Human Services, U.S.	1,065	25	0	0	17	3	0	0	0	0	68	1,178
<b><u>Department of Homeland Security</u></b>												
Coast Guard, U.S.	45	3	0	161	0	1	28	0	1	4	0	243
Customs and Border Protection, U.S.	0	0	0	0	0	1,860,606	0	0	0	0	0	1,860,606
Immigration and Customs Enforcement, U.S.	0	0	0	0	0	8,977,512	0	0	0	0	0	8,977,512
Secret Service, U.S.	4	0	0	269	723	0	0	0	1	1	1	999
Department of Housing and Urban Development, U.S.	89	28	0	0	0	0	0	0	0	0	0	117
Department of Interior, U.S.	2	1	0	0	1	0	0	0	0	0	0	4
<b><u>Department of Justice</u></b>												
Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S.	49	8	0	80	104	58	1	0	3	40	3	346
Department of Justice, U.S.	1	0	0	0	0	4	0	0	0	2	0	7
Drug Enforcement Administration, U.S.	0	0	0	0	0	108	0	0	0	0	0	108
Federal Bureau of Investigation, U.S.	11,731	4,101	4	2,272	1,624	9,016	41	0	493	48,038	17,993	95,313
Federal Prosecuting Attorneys	1,411,210	52,381	0	239	1,105	44,626	0	0	0	162	0	1,509,723
Department of Labor, U.S.	14	27	0	0	0	0	0	0	0	0	0	41
Department of State, U.S.	1	0	0	0	8	18	0	56,456	0	0	0	56,483
Department of Transportation, U.S.	1	0	0	0	2	2	0	0	0	0	0	5
Department of the Treasury, U.S.	3	1	0	0	0	0	0	0	0	0	0	4
<b><u>District of Columbia</u></b>												
Court Services & Offender Supervision Agency for the D.C., U.S.	0	0	0	1,537	0	0	0	0	0	0	0	1,537
District of Columbia	1	0	0	0	1,691	0	3	0	0	0	0	1,695
Export-Import Bank of the U.S.	4	0	0	0	0	2	0	0	0	0	0	6
Federal Deposit Insurance Corporation	67	22	0	0	0	0	0	0	0	0	0	89
Federal Housing Finance Agency	371	165	6	0	0	0	0	0	0	0	0	542
General Services Administration	47	9	0	0	0	0	0	0	0	0	0	56
Internal Revenue Service	56,549	0	0	0	0	7	0	0	0	0	0	56,556
Postal Service, U.S.	1,158	979	2	0	0	7	0	0	0	0	10	2,156
Railroad Retirement Board, U.S.	102	1	0	0	3	0	0	0	0	0	0	106
Small Business Administration	4	10	0	0	0	0	0	0	0	0	0	14
Social Security Administration, U.S.	486	46	0	0	1	1	0	0	0	0	18	552
Veterans Affairs Department, U.S.	0	0	0	0	260,219	0	0	0	0	0	16	260,235
<b>Totals</b>	<b>1,518,685</b>	<b>58,537</b>	<b>77</b>	<b>27,196</b>	<b>265,581</b>	<b>10,891,974</b>	<b>19,132</b>	<b>56,456</b>	<b>509</b>	<b>49,989</b>	<b>18,119</b>	<b>12,906,255</b>

Active Records in the NICS Indices As of December 31, 2021												
<u>Others</u>	Felony	Under Indictment/Information	Fugitive from Justice	Unlawful User/Addicted to a Controlled Substance	Adjudicated Mental Health	Illegal/Unlawful Alien	Dishonorable Discharge	Renounced U.S. Citizenship	Protection/Restraining Order for Domestic Violence	Misdemeanor Crime of Domestic Violence	State Prohibitor or Court-Ordered Firearm Restriction	Totals
American Indian or Alaska Native Tribe	35	0	0	0	13	0	0	0	35	175	43	301
District Court, U.S.	0	0	0	0	25	0	0	0	0	0	0	25
Pretrial Services for the D.C., U.S.	0	0	0	111	0	0	0	0	0	0	0	111
<b>Totals</b>	<b>35</b>	<b>0</b>	<b>0</b>	<b>111</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35</b>	<b>175</b>	<b>43</b>	<b>437</b>

Active Records in the NICS Indices As of December 31, 2021												
<u>Total Records</u>	Felony	Under Indictment/Information	Fugitive from Justice	Unlawful User/Addicted to a Controlled Substance	Adjudicated Mental Health	Illegal/Unlawful Alien	Dishonorable Discharge	Renounced U.S. Citizenship	Protection/Restraining Order for Domestic Violence	Misdemeanor Crime of Domestic Violence	State Prohibitor or Court-Ordered Firearm Restriction	Totals
State/Territory	3,343,519	155,980	171	31,601	6,510,463	253	119	31	72,875	187,836	2,220,419	12,523,267
Federal Agencies	1,518,685	58,537	77	27,196	265,581	10,891,974	19,132	56,456	509	49,989	18,119	12,906,255
Others	35	0	0	111	38	0	0	0	35	175	43	437
<b>Grand Totals</b>	<b>4,862,239</b>	<b>214,517</b>	<b>248</b>	<b>58,908</b>	<b>6,776,082</b>	<b>10,892,227</b>	<b>19,251</b>	<b>56,487</b>	<b>73,419</b>	<b>238,000</b>	<b>2,238,581</b>	<b>25,429,959</b>

## Active Records in the NICS Indices as of December 31, 2021

The Brady Handgun Violence Prevention Act of 1993, Public Law 103-159, requires federal firearms licensees to request background checks on prospective firearm transferees. In 1998, the FBI established NICS to process these background checks. NICS queries three national databases for possible matches when conducting a NICS check. These databases are: (1) NCIC which contains records of wanted persons, subjects of protection orders, and others who pose a threat to officer and public safety; (2) III, which provides access to criminal history records; and (3) the NICS Indices, which contains information on prohibited persons as defined by Title 18, United States Code (U.S.C.), Section 922(g) or (n) or state law. The NICS Indices contains information provided by federal, state, local, and tribal agencies. If the information is available in NCIC or III, entry into NICS Indices is not always necessary. Therefore, certain categories within the NICS Indices may show minimal or no participation by a federal agency or a state.

In March 2018, Congress passed the Fix NICS Act (the Act), Pub. L. 115-141, tit. VI, which aims to improve NICS by imposing two primary requirements with regard to making records available. First, the Act requires federal departments and agencies to submit semi-annual certifications to the Attorney General indicating whether the agency is in compliance with NICS record submission requirements. Second, the federal departments and agencies and the state governments were requested to establish four-year implementation plans, which are meant “to ensure maximum coordination and automated reporting or making available of records to the Attorney General, and the verification of the accuracy of those records.” The plans must include annual benchmarks for a number of metrics. The basics of the implementation plans included reporting or making appropriate records available to NICS, identifying any gaps in record reporting, and verifying the accuracy of relevant records over the four-year period.

Federal departments and agencies are expected to make all records available, which are used in background checks performed by NICS, and are relevant to the determination of whether a person is disqualified from possessing or receiving a firearm under 18 U.S.C. § 922(g) or (n). This can be accomplished through adding information to NCIC, III, or the NICS Indices. For state governments, making information available to the NICS Indices remain optional.

The categories in the NICS Indices mirror the prohibitions under 18 U.S.C. § 922(g) and (n) and include state prohibitions. It is critical to note that the NICS Indices is ever-changing. Contributors add, cancel, and modify NICS Indices entries with frequency. In addition, certain prohibitive categories contain an expiration date, which could necessitate the related information’s removal from the NICS Indices. Each contributor to the NICS Indices is responsible for the accuracy and validity of its own NICS Indices entries. It is important to note, not all federal agencies possess relevant records pursuant to the Act. Therefore, some federal agencies may have no submissions to the NICS Indices.

The following describes the cases in which an individual would be prohibited from possessing or receiving a firearm based on information contained in the NICS Indices:

**Felony**—Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; or any state offense classified by the laws of the state as a misdemeanor and

is punishable by imprisonment for a term exceeding two years should be submitted to III to update the identity history summary with the disposition or the level of conviction. In the event fingerprints are not captured at the time of arrest, entry into the NICS Indices is an alternative. If the arrest includes the submission of fingerprints, this information should be contained in III; therefore, there may be a low number or no entries in this category. The Department of Justice (DOJ) is undertaking the administrative burden for federal agencies by submitting convictions processed/prosecuted at the federal level to the NICS Indices.

**Under Indictment/Information**—Persons under indictment or information for a crime punishable by imprisonment for a term exceeding one year may be found in III or entered into the NICS Indices. However, information regarding individuals under indictment or information is not often found in III. Therefore, the NICS Indices is an alternative. Although this is a prohibitor, some states may have limited resources to make and maintain NICS Indices entries for this temporary prohibition. The DOJ is undertaking the administrative burden for federal agencies by submitting indictments and informations processed/prosecuted to the NICS Indices.

**Fugitive from Justice**—The 18 U.S.C. § 922 (g)(2) prohibition refers to persons who are fugitives from justice and includes active misdemeanor or felony criminal warrants. All warrants should be entered into NCIC, but when NCIC requirements are not met, and a wanted person has met the fugitive from justice criteria, entry into the NICS Indices is an alternative. Therefore, there may be a low number or no entries in this category. The DOJ is undertaking the administrative burden for federal agencies by submitting felony warrants processed to the NICS Indices.

**Unlawful User/Addicted to a Controlled Substance**—Persons who are unlawful users of or addicted to any controlled substance are potential candidates for the NICS Indices. This prohibitor may be found in III when there is a qualifying conviction. For controlled substance charges without a qualifying conviction, it must be established that the substance was a controlled substance (positive drug test or self-admitted use). This information (such as an incident/arrest report showing drug test results) often not found within III, may necessitate an entry into the NICS Indices. Since this is a temporary prohibition (one year), an expiration date is required to be established in the NICS Indices.

**Adjudicated Mental Health**—Information on persons adjudicated as a mental defective or involuntarily committed to a mental institution for treatment may be entered into the NICS Indices. Criminal cases with “not guilty by reason of insanity” qualify for entry into III. If this information is not made available on III, entry into the NICS Indices is an alternative. Civil cases would not be available on III and would qualify for entry into the NICS Indices. Documents relevant to this prohibitor include judgment and commitment orders, sentencing orders, and court agency records of adjudications of the individual’s inability to manage his or her own affairs if such adjudication is based on marked subnormal intelligence or mental illness, incompetency, condition, or disease. Medical records containing mental health information are not required for this prohibitor.

**Illegal/Unlawful Alien**—Illegal and Unlawful Alien entries into the NICS Indices are typically made by ICE. Therefore, entry by other federal agencies or the states would be minimal to nonexistent in this category, unless additional information was discovered during research.

**Dishonorable Discharge**—Dishonorable discharge is a military disqualification and is either found on III or typically entered into the NICS Indices by the DoD or the appropriate branch of the military. Therefore, entry by other federal agencies or the states would be minimal to nonexistent in this category, unless additional information was discovered during research.

**Renounced U.S. Citizenship**—Renounced citizenship submissions into the NICS Indices are typically made by the DOS. Therefore, entry by other federal agencies or the states would be minimal to nonexistent in this category.

**Protection/Restraining Order for Domestic Violence**—Protection or restraining order information is to be entered into NCIC; however, if all NCIC requirements are unable to be met, entry into the NICS Indices is an alternative and may include an expiration date. If a state submits Protection/Restraining Order information to NCIC, the NICS Indices entry is not necessary; therefore, there may be a low number or no entries in this category.

**MCDV**—In order to determine the prohibition for MCDV, the convicting statute, subsection, and qualifying relationship of the individual to the victim are required. This information may be posted to III. When the information is unable to be posted to III, entry into the NICS Indices is an alternative. If an agency posts the final disposition and relationship information to III, there may be a low number or no entries in the NICS Indices category. However, if it is difficult to post this information (especially the relationship) to III, the NICS Indices is an alternative, which in turn may increase the number of entries in this category.

**State Prohibitor or Court-Ordered Firearm Restriction**—These prohibitors include individuals who are prohibited based on state law or court-ordered firearm restriction only. This category is unique to each state/territory and dependent upon state law.