



LEGISLATIVE ALERT

Friday, March 9, 2018

Regarding: **S.2492, et al. — Mandatory Reporting of NICS Denials**
Position: **OPPOSED**

- **Mandatory reporting of NICS denials to law enforcement would create a new law enforcement nightmare, lead to likely millions of civil rights violations, put law-abiding people and law enforcement officers in danger, eliminate important case-by-case discretion, and unnecessarily burden cash-strapped public safety agency budgets.**
- A February 2013 report published by the U.S. Department of Justice Bureau of Justice Statistics (*Background Checks for Firearm Transfers, 2010 - Statistical Tables*, online at <http://bit.ly/2BIc5ly>) reveals that nearly one-quarter of all NICS denials are appealed and over one third of all denials that are appealed are reversed (as the purchaser should never have been denied in the first place). *This is strong evidence that many of those denied by NICS are not actually prohibited at all.*
- Federal law contains no way for people to check their federal eligibility BEFORE they go to a licensed gun dealer and attempt to purchase a gun. Federal law should be amended to contain an analogue to California's Personal Firearms Eligibility Check (PFEC) system and an efficient pre-transaction NICS record correction program so that people can correct any defects in the record *before* participating in a purchase or transfer that could lead to police officers showing up at their front door—or even criminal prosecution. Many thousands of people every year may be inadvertently or wrongly implicated in criminal circumstances that would be reported to law enforcement authorities.
- Especially because so many people are unaware of their prohibited status, were never notified that their conviction or guilty plea would lead to a prohibition of their fundamental right to keep and bear arms, murky circumstances going back decades, false database matches, and the fact that thousands of people every year are caught up in a sticky web of erroneous database information, mandatory reporting to law enforcement is fundamentally unwise.
- In the absence of a Federal analogue to California's PFEC system and an efficient pre-transaction NICS record correction program, a mandatory NICS reporting scheme would unnecessarily encumber already-bloated court dockets and force individuals to litigate their innocence in an unduly burdensome manner.

For these and other reasons, we oppose S.249 and in its current form and urge your “Nay” vote.

Please do not hesitate to contact us at **(916) 378-5785** or **policy@fpchq.org** to discuss this or other matters in detail. Thank you for your time and consideration.