

Analysis  
**Oregon State Police**  
NICS Act Records Improvement

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**Analyst:** Julie Neburka

**Request:** Approve a request from the Department of State Police to apply for a competitive grant of \$1,444,973 from the US Department of Justice's 2019 National Instant Criminal Background Check System (NICS) Act Record Improvement grant program.

**Analysis:** The Oregon State Police maintains the state's criminal history database and is responsible for ensuring its records are complete. The NICS Act Record Improvement grant program provides funding to states to address the gap in information available to the National Instant Criminal Background Check System (NICS) about mental health adjudications, commitments, and other factors that would prohibit a person from receiving or possessing a firearm. The grant program's focus for 2019 is to enhance the completeness, automation, and transmittal of records from state and federal criminal history repositories to NICS, and to improve the overall reporting of those persons prohibited from possessing firearms for reasons related to domestic violence and/or mental health to NICS.

The Bureau of Justice Statistics has not estimated the amount of funding it will award or the number of grants it will issue in 2019. In 2018, the agency awarded \$21 million nationwide. Grant applications are due by June 3, 2019, with two-year grants announced by October 2019. There are no match requirements. If successful, the Oregon State Police proposes to use the grant funds to improve the completeness of court records by locating missing court dispositions and case closures and updating cases in the Computerized Criminal History file maintained by the Criminal Justice Information Services division of the State Police. Grant funds would extend a limited-duration position and pay for contract services to locate and obtain missing court records. If successful, the agency may need to return to the Legislature to request additional federal funds expenditure limitation and position authority.

**Legislative Fiscal Office Recommendation:** Approve the request.

## Department of State Police Lisper

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**Request:** Authorization to apply for a Federal Fiscal Year 2019 National Instant Criminal Background Check System (NICS) Act Improvement Program (NARIP) competitive grant of \$1,444,973 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

**Recommendation:** Approve the request.

**Discussion:** The Department of State Police (OSP) is requesting authorization to apply for a \$1,444,973 NICS NARIP competitive grant, which has no federal match requirement. The grant award is for 24 months with a start date of October 1, 2019 and all projects must be complete by September 30, 2021. The deadline to submit the grant application is June 3, 2019.

The Bureau of Justice Statistics NARIP grant program awards provide funding to assist eligible states and tribes for the following two purposes:

- To improve the completeness of automations and transmittal of records from state and federal systems to NICS, and
- To improve the overall reporting to NICS of persons prohibited from possessing firearms for reasons related to domestic violence and mental health.

The OSP grant application will include continued funding for one limited duration Operation Policy Analyst 3 (OPA 3) position for 12 months and the continuation of third party contracted services. The OPA 3 will be used to coordinate and provide technical support for multiple projects and efforts to improve Oregon records available in NICS. The contractual services are used to obtain statewide missing court dispositions and confirm completeness of court records for case closures. The updated information gathered from the courts will be input into the Computerized Criminal History files maintained by the Criminal Justice Information Services Division within OSP.

The Department received \$7.9 million in Federal Funds over the past 10 years. These funds have assisted the Department to identify which individuals are prohibited from receiving or possessing firearms under both state and federal law; while reducing delays for individuals who are eligible to purchase firearms.

If awarded, the Department may need to return to the Legislature to request position authority for a limited duration position and Federal Funds expenditure limitation.



# Oregon

Kate Brown, Governor

## Department of State Police

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May 17, 2019

The Honorable Senator Betsy Johnson, Co-Chair  
The Honorable Senator Elizabeth Steiner Hayward, Co-Chair  
The Honorable Representative Dan Rayfield, Co-Chair  
Joint Committee on Ways and Means  
900 Court Street NE  
H-178 State Capitol  
Salem, OR 97301-4048

Dear Co-Chairpersons:

### **Nature of the Request**

The Oregon State Police (OSP) respectfully requests permission to submit an application to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) for the FY 2019 National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP) Competitive Grant in the amount of \$1,444,973.

BJS expects to make award notifications by September 30, 2019. The award period is for 24-months, beginning on October 1, 2019, and must be completed by September 30, 2021. This grant does not require a match. The deadline to submit the application is June 3, 2019.

### **Background/Purpose**

The goal of BJS's FY 2019 NARIP program is to assist eligible States and Tribes with improving the completeness, automation, and transmittal of records to state and federal systems used by the NICS. These include records of criminal history, felony convictions, warrants, protective orders, convictions for misdemeanors involving domestic violence and stalking, drug arrests and convictions, mental health adjudications, and other information that may disqualify an individual from possessing or receiving a firearm under federal law.

BJS prioritizes use of funds for two purposes: (1) to improve the completeness of automation, and transmittal of records from state and federal systems to the NICS, and (2) to improve the overall reporting to the NICS of persons prohibited from possessing firearms for reasons related to domestic violence and mental health.

By statutory authority (codified at 34 U.S.C. §40912), the NICS Improvement Amendments Act of 2007 (NIAA; P.L. 110-180) addresses the gap in information available to NICS about prohibiting mental health adjudications and commitments and other prohibiting factors. Filling these information gaps will better enable the system to operate as intended to keep guns out of the hands of persons prohibited from receiving or possessing firearms under federal or state law. A complete and accurate record also reduces delays for persons eligible to purchase firearms.

**Agency Action**

OSP, as the state's criminal history repository, has a statutory requirement to maintain the most complete criminal history database possible as provided by Oregon Revised Statute (ORS) Chapter 181A. Incomplete criminal history records affect law enforcement, regulatory communities, and the citizens of Oregon.

OSP intends to submit a proposal for this grant opportunity to include continued funding for one (1) Limited Duration, Operations and Policy Analyst 3 (OPA3) position for 12 months and continue the utilization of contractual services for the remaining funding. The contractual component of this funding will be used to obtain statewide missing court dispositions, and confirm completeness of court records for case closures. This information will be used to update records within the Computerized Criminal History (CCH) file maintained by the Criminal Justice Information Services (CJIS) Division within OSP. The OPA3 position will provide administrative and technical support as well as coordinate efforts for multiple projects and efforts to improve Oregon records that are available to the NICS. The overall need is to close all individual arrest cycles and charges within each record that are currently incomplete or missing disposition information.

The grant does not require a match. If this grant is awarded, OSP may need to request position authority and an increase in its federal fund limitation for both the 2019-21 and 2021-23 biennia in a future meeting of the Legislative Assembly.

**Action Requested**

Approve OSP's request to apply for the FY 2019 National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP) Competitive Grant through the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

**Legislation Affected**

None.

Thank you for your consideration of this request.

Sincerely,



Travis Hampton  
Superintendent  
Oregon State Police

cc: Constantin Severe, Governor's Office  
Michelle Lisper, Department of Administrative Services – Chief Financial Office  
Julie Neburka, Legislative Fiscal Office