

LIMITED-SCOPE AUDIT PROPOSAL

National Instant Criminal Background Check System: Reviewing Requirements for Federal Funding

SOURCE

This audit proposal was jointly requested by Representative Eileen Horn and Representative John Barker.

BACKGROUND

The National Instant Criminal Background Check System (NICS) is operated by the Federal Bureau of Investigation and is used by firearm importers, manufacturers, and dealers to determine whether someone is legally prohibited from buying a firearm. These businesses are required to conduct a background search of any individual wanting to purchase a firearm. The business contacts the FBI (by phone or the internet) to request each search. If the buyer's name is not found in the NICS database, the transaction can legally proceed. The NICS system was established in 1993 under the Brady Handgun Violence Prevention Act, and about 260 million NICS background checks have been conducted since 1998.

The NICS database is comprised of federal records and state records that states submit for entry into the database. These records include information about individuals who have committed felonies, domestic violence offenses, or have been committed to mental health facilities. To encourage states to submit records, the federal government makes funds available each year that can assist states in improving their reporting infrastructure. However, to be eligible for this funding, the state must first report an estimate of the total number of records that qualify for reporting to the federal government. This estimate must be made using a method specified by the U.S. Attorney General. States must also certify, to the U.S. Department of Justice, that the state has a process that allows individuals who lost their right to own a firearm to regain those rights under certain circumstances.

Legislators have expressed concern that Kansas is not receiving these federal funds and are interested in knowing what steps the state must take to receive the funding.

AUDIT OBJECTIVES AND TENTATIVE METHODOLOGY

The audit objective listed below represents the question that we would answer through our audit work. The proposed steps for the objective are intended to convey the type of work we would do but are subject to change as we learn more about the audit issues and are able to refine our methodology.

Objective 1: What steps must the state take to be eligible for the NICS Act Record Improvement Program grant? Our tentative methodology would include the following:

- Interview federal officials and review documents to understand what steps the state must take to be eligible for the NICS Act Record Improvement Program (NARIP) grant, as well as any steps the state has already taken.

- Interview federal officials to understand the required method for estimating the number of eligible records the state has including what agencies might be involved, how many years of records the state would be required to gather, and how long it might take.
- Interview federal officials and review documents to determine how much NARIP funding Kansas might be eligible to receive and what activities those funds could be used for.

ESTIMATED RESOURCES

We estimate this audit would require **100 staff hours** to complete.