

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3717

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: MAY 15, 2013

SUMMARY

Synopsis:	Requires submission of certain mental health records to National Instant Criminal Background Check System.
Type of Impact:	Minimal or no increase in administrative costs.
Agencies Affected:	Administrative Office of the Courts (AOC); Department of Law and Public Safety, Division of State Police; county governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Years 1-3</u>
State Cost	Minimal or no increase.
Local Cost	Minimal or no increase.

- The bill is expected to have minimal or no cost, as the State is already taking steps to provide mental health records to the federal government, and is expected to be in compliance with the bill in the near future.
- The administrative cost of entering information into the electronic system and reporting data to the federal government (made mandatory under the bill) is expected to be minimal, and can likely be absorbed in the normal operational budgets of the affected agencies.

BILL DESCRIPTION

Assembly Bill No. 3717 (1R) of 2013 requires the State to submit certain mental health records to the National Instant Criminal Background Check System (NICS).

The bill requires the Attorney General, in compliance with the federal NICS Improvement Amendments Act of 2007, to direct the Superintendent of State Police to collect, in cooperation with the Administrative Office of the Courts (AOC), data required by the United States Department of Justice concerning persons who are subject to federal firearms prohibitions. The

data is to be transmitted to the NICS System administered by the Federal Bureau of Investigation.

The United States Department of Justice established NICS for federally licensed gun dealers to conduct background checks on prospective gun purchasers. The NICS attains or accesses records from state police, local police and other agencies to determine if the prospective gun purchaser is prohibited from owning a firearm. The NICS relies on states to submit this information in a complete, accurate, and timely manner.

The State has begun the process of implementing an electronic system to submit mental health records to NICS. However, submission of these records is not mandatory under current State law. The provisions of this bill would make the submission mandatory.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received. However, the AOC provided background information regarding the State's development of an electronic system for identifying and reporting mental health information to NICS.

OFFICE OF LEGISLATIVE SERVICES

The bill is expected to generate minimal or no additional cost, as the State is already taking steps to provide mental health records to NICS, and is expected to be in compliance with the bill in the near future.

The AOC has received two federal NICS Act Record Improvement Program grants, in federal fiscal years 2010 and 2011. The first, for \$860,331, was for the development of an electronic system to record and submit mental health information to NICS. The second, for \$2,772,560, was for the input of past records into the system. According to the AOC, the system has been developed and the loading of past records is nearly complete. Once the testing of the system is completed, the records will be submitted to the State Police, who will then submit them to NICS. Subsequently, new records will continue to be entered into the system. The last county was scheduled to be added to the system on April 1, 2013.

To fulfill the requirements of the bill, data must be entered into the system on an ongoing basis, and the State Police must report the data to NICS. Both activities could generate administrative costs that are not mandatory under current law. (It seems likely that counties would be responsible for the data entry, but the Office of Legislative Services has not been able to verify this.) The actions taken thus far in implementing the program, which were not mandated by the State, seem to suggest that the affected agencies expect to absorb these costs within their normal operating budgets.

Section: Human Services

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).