

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3717

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JUNE 3, 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 (2R) 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 to make a determination as to whether a person is disqualified from possessing or receiving a firearm under 18 U.S.C. s.992 or

applicable State law. The data is to be transmitted to the NICS, which is 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 a 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 testimony given by the Acting Administrative Director of the New Jersey Courts to the Senate Law and Public Safety Committee on May 2, 2013, the system has been developed and the loading of past records, and submission of those records to NICS, was expected to be completed by the end of May. In the future, new records will continue to be entered into the system.

To fulfill the requirements of the bill, data must be entered into the system on an ongoing basis (primarily the responsibility of county adjusters), and the State Police must report the data to NICS. Both activities could generate administrative costs that are not mandatory under current law. 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 fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).