

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3717

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 30, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3717.

As amended, this bill requires the State to submit certain mental health records to the National Instant Criminal Background Check System (NICS).

The amended 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, 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 National Instant Criminal Background Check System administered by the Federal Bureau of Investigation.

According to the sponsor, the United States Department of Justice established NICS for federally licensed gun dealers to conduct background checks on prospective gun purchasers. 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. NICS relies on states to submit this information. As a result, if the states do not submit the information, the NICS database will have incomplete or inaccurate records, thereby allowing some individuals to purchase guns who should be prohibited from doing so.

This 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.

The committee amendments provide clarifying language so that the appropriate data is transmitted to NICS.

As amended and reported by the committee, this bill is identical to the Senate Committee Substitute for Senate Bill No. 2492.