

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3717

STATE OF NEW JERSEY

DATED: MAY 9, 2013

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3717 (1R).

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

Specifically, 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 National Instant Criminal Background Check 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. 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.

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.

This bill is identical to Senate Bill No. 2492 (SCS) as also reported by the committee.

FISCAL IMPACT:

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

The AOC 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.

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; however, 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.