

114TH CONGRESS  
2D SESSION

# H. R. 4320

To provide for the reporting to State and local law enforcement authorities of cases in which the national instant criminal background check system indicates that a firearm has been sought to be acquired by a prohibited person, so that authorities may pursue criminal charges under State law, and to ensure that the Department of Justice reports to Congress on charges brought and prosecutions secured against prohibited persons who attempt to acquire a firearm.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2016

Mr. QUIGLEY (for himself, Mr. MEEHAN, Mr. KING of New York, and Mr. PASCRELL) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for the reporting to State and local law enforcement authorities of cases in which the national instant criminal background check system indicates that a firearm has been sought to be acquired by a prohibited person, so that authorities may pursue criminal charges under State law, and to ensure that the Department of Justice reports to Congress on charges brought and prosecutions secured against prohibited persons who attempt to acquire a firearm.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “NICS Denial Notifica-  
3 tion Act of 2016”.

4 **SEC. 2. REPORTING OF BACKGROUND CHECK DENIALS.**

5 (a) IN GENERAL.—Chapter 44 of title 18, United  
6 States Code, is amended by inserting after section 925A  
7 the following:

8 **“§ 925B. Reporting of background check denials to**  
9 **State authorities**

10 “(a) If the national instant criminal background  
11 check system established under section 103 of the Brady  
12 Handgun Violence Prevention Act provides a notice pursu-  
13 ant to section 922(t) of this title that the receipt of a fire-  
14 arm by a person would violate subsection (g) or (n) of  
15 section 922 of this title or State law, the Attorney General  
16 shall, in accordance with subsection (b) of this section—

17 “(1) report to the law enforcement authorities  
18 of the State where the person sought to acquire the  
19 firearm, and, if different, the law enforcement au-  
20 thorities of the State of residence of the person—

21 “(A) that the notice was provided;

22 “(B) of the specific provision of law that  
23 would have been violated;

24 “(C) of the date and time the notice was  
25 provided;

1           “(D) of the location where the firearm was  
2           sought to be acquired; and

3           “(E) of the identity of the person; and

4           “(2) where practicable, report the incident to  
5           local law enforcement authorities and State and local  
6           prosecutors in the jurisdiction where the firearm was  
7           sought and in the jurisdiction where the person re-  
8           sides.

9           “(b) A report is made in accordance with this sub-  
10          section if the report is made within 24 hours after the  
11          provision of the notice described in subsection (a), except  
12          that the making of the report may be delayed for so long  
13          as is necessary to avoid compromising an ongoing inves-  
14          tigation.

15          “(c) Subsection (a) shall not be interpreted to require  
16          a report with respect to a person to be made to the same  
17          State authorities that originally issued the notice with re-  
18          spect to the person.”.

19          (b) CLERICAL AMENDMENT.—The table of sections  
20          for such chapter is amended by inserting after the item  
21          relating to section 925A the following:

“925B. Reporting of background check denials to State authorities.”.

1 **SEC. 3. STUDY OF BACKGROUND CHECK DENIALS; ANNUAL**  
2 **REPORT TO CONGRESS.**

3 (a) IN GENERAL.—Chapter 44 of title 18, United  
4 States Code, as amended by section 2(a) of this Act, is  
5 amended by inserting after section 925B the following:

6 **“§ 925C. Study of background check denials; annual**  
7 **report to Congress**

8 “(a) Not later than 1 year after the date of the enact-  
9 ment of this section, the Attorney General shall submit  
10 to the Congress a report detailing which categories of peo-  
11 ple prohibited by section 922(g) from receiving or pos-  
12 sessing a firearm are most likely to engage in criminal  
13 activity.

14 “(b) Not later than 1 year after the date of the enact-  
15 ment of this section, and annually thereafter, the Attorney  
16 General shall submit to the Congress a report detailing  
17 the following:

18 “(1) The findings of any research identifying  
19 which people who are denied a firearm pursuant to  
20 section 922(t) are most likely to engage in criminal  
21 activity.

22 “(2) With respect to each category of persons  
23 prohibited by section 922(g) from receiving or pos-  
24 sessing a firearm who are so denied a firearm—

1           “(A) the number of cases referred to the  
2 Bureau of Alcohol, Tobacco, Firearms and Ex-  
3 plosives;

4           “(B) the number of cases with respect to  
5 which an investigation was opened by a field di-  
6 vision of the Bureau;

7           “(C) the number of arrests made;

8           “(D) the number of persons charged with  
9 a criminal offense in connection with the denial;  
10 and

11           “(E) the number of convictions obtained  
12 by Federal authorities.

13           “(3) The number of background check notices  
14 reported to State authorities pursuant to section  
15 925B (including the number of the notices that  
16 would have been so reported but for section  
17 925B(c)), along with an accounting of why any no-  
18 tice described in such section was not so reported.

19           “(4) The number of background check notices  
20 reported to local authorities pursuant to section  
21 925B, along with an accounting of the progress  
22 made in developing a system for reporting the no-  
23 tices to local authorities.”.

24           (b) CLERICAL AMENDMENT.—The table of sections  
25 for such chapter, as amended by section 2(b) of this Act,

- 1 is amended by inserting after the item relating to section
- 2 925B the following:

“925C. Study of background check denials; annual report to Congress.”.

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