

NICS Denial Notification Act of 2022



The Consolidated Appropriations Act of 2022 (hereinafter “Act”) was signed into law on March 15, 2022. Section 1101 of the Act included the “NICS Denial Notification Act of 2022.” The Act requires the Attorney General to report background check denials to state authorities and will require the FBI Criminal Justice Information Services (CJIS) Division’s National Instant Criminal Background Check System (NICS) Section to make a report to local law enforcement of all FBI NICS denied transactions within 24 hours beginning October 1, 2022. The report will include the date and time of the denial, the reason for the denial, the location of the federal firearms licensee (FFL), and the identity of the person. If at any time, the original denial is changed to a proceed, an updated “report” to those agencies originally notified will be required.

The NICS denial notifications will be transmitted electronically to the appropriate receiving authorities within each state. The NICS Section is currently exploring the delivery methods available for transmitting the NICS denial notifications and will provide this method of distribution when available. The denial notification will be delivered to the appropriate law enforcement agency based on the city, state, and zip code combination of the FFL location and the city, state, and zip code combination of the attempted purchaser’s home address.

NC mapped ORIs (*currently being validated by SBI Compliance Unit*) will be considered accurate and final and will be added to NICS for state denial notification purposes. A process to maintain the mapped ORIs will be designed and employed after the initial implementation of the notification functionality so that each state can adjust as necessary.

ATF investigates certain denials made based on federal prohibitions. The denial notification will be delivered containing a caveat to assist with potential deconfliction that could be needed for investigations prior to an agency taking any necessary action. Each state and/or agency will be responsible for establishing any necessary policy or procedure related to the denial data as appropriate and according to law or regulation.