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**ATTENTION: AGENCY TAC/POC**

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REVIEW AND DISTRIBUTE THIS NOTICE ACCORDINGLY



## Information from NICS on the Bipartisan Safer Communities Act of 2022

The Bipartisan Safer Communities Act of 2022, Public Law 117-159, was signed into law on June 25, 2022, and the provisions within the Act became effective immediately. This includes the expansion of the federal firearm prohibitor misdemeanor crime of domestic violence (MCDV), Title 18, United States Code, section 922 (g)(9), to include a person who has a current or recent former dating relationship with the victim.

### Pertinent Info:

The following information is provided to assist in identifying this new category of individuals prohibited under the MCDV:

- A “dating relationship” is between “individuals who have or have recently had a continuous serious relationship of a romantic or intimate nature.” Further considerations of whether a relationship qualifies includes “(i) the length of the relationship; (ii) the nature of the relationship, and (iii) the frequency and type of interaction between the individuals involved in the relationship.
- A casual acquaintance or ordinary fraternization in a business or social context does not constitute a dating relationship.
- The new dating relationship would include descriptions such as boyfriend, girlfriend, fiancé, etc. to include same-sex relationships.
- As with any MCDV relationship, information establishing a dating relationship may be through incident reports, convicting documents, etc.
- All criteria needed to establish the MCDV prohibition still applies:
  - Misdemeanor conviction
  - Conviction for an offense containing the use or attempted use of physical force, or the threatened use of a deadly weapon
  - Qualified relationship

The Act establishes a MCDV conviction involving a dating relationship as a temporary prohibition for those with only one MCDV conviction that are not otherwise prohibited. The convicted person is prohibited from possessing firearms for five years from the date of conviction or completion of the sentence (whichever is later). This five-year prohibition is voided if a subsequent firearms-prohibiting conviction occurs.

The option of a dating relationship as a relationship to victim (RTV) is underway. Until this option is available, NICS encourages users to maintain information on those prohibited under the MCDV dating relationship criteria for entry when available.

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North Carolina State Bureau of Investigation

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Please do not rely solely on this document as an all-inclusive resource.

If you are uncertain about any issue, please seek out guidance from your agency legal counsel or contact the SBI for direction to an appropriate guiding authority.

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*In Review:*

- The federal firearm prohibitor of misdemeanor crimes of domestic violence (MCDV) now includes a person who has a current or recent former dating relationship with the victim.
  - NICS Section will begin denying transactions meeting the new criteria on August 8, 2022.
  - This is not retroactive, only convictions occurring on or after June 25, 2022, will apply.
  - NICS users are encouraged to begin denying the transfer of firearms (or issuance/renewal of a NICS-alternate permits) to individuals meeting these criteria at their earliest convenience.
  - NICS Section is currently evaluating the Act to clarify the process for implementation.
  - Modifications to official training materials/resource documents are currently underway and will be provided in future correspondence.
  - A RTV option is not yet available in the NICS Indices, Agencies are encouraged to maintain documentation on those prohibited under the Act, for entry into NICS when available.
  - For questions, contact the NICS Business Relations Team at [NICSLiaison@fbi.gov](mailto:NICSLiaison@fbi.gov) or (844)265-6716.
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