



LAW ENFORCEMENT INFORMATION NETWORK NICS Under 21 Enhanced Firearm Background Checks

This correspondence is being distributed to authorized Law Enforcement Information Network (LEIN) user agencies to announce the implementation of the National Instant Criminal Background Check System (NICS) Under 21 Enhanced Firearm Background Checks pursuant to the [Bipartisan Safer Communities Act of 2022](#).

Signed into law on June 25, 2022, the Bipartisan Safer Communities Act of 2022, Public Law 117-159, requires the Federal Bureau of Investigation (FBI) NICS Section to conduct enhanced firearm background checks for NICS background checks initiated by a federal firearms licensee when the potential firearms purchaser is under the age of 21 (between 18 and 20 years old).

The purpose of the enhanced firearm background check is to determine if the person has any juvenile criminal/delinquency information, or juvenile mental health adjudications or commitments, that would disqualify the purchaser under [Title 18 United States Code \(U.S.C.\), Part I, Chapter 44, Sections 922\(g\) and \(n\)](#).

By statute, the NICS Section has three business days to determine whether cause exists to further investigate if a possible disqualifying juvenile record exists. If cause is established, the NICS Section may extend the background check up to ten business days to conduct research and make a determination.

Beginning November 14, 2022, as a part of the enhanced background check procedure, the NICS Section will begin sending requests for information to all law enforcement authorities. These requests (\$.H.U21 unsolicited messages; see example below) will be delivered to law enforcement authorities through the Law Enforcement Information Network (LEIN). Each request will be delivered to the appropriate LEIN user agency Originating Agency Identifier (ORI), based on the city, state, and zip code combination of the attempted purchaser's home address.

It is imperative that law enforcement authorities conduct the necessary research (i.e., check of local records management systems, other internal documentation, etc.) and respond to the [NICS Section](#) within three business days of receiving a request. It is also imperative that agencies receiving LEIN messages on behalf of other LEIN user agencies ensure these messages are promptly provided to the intended law enforcement agency for research and response. The NICS Section will research all information provided to determine whether a [federal firearms prohibition](#) exists.

Examples of information that should be provided to the NICS Section include, but are not limited to:

- An inference of illegal drug use as a juvenile in the past year.

- Active Personal Protection Order (PPO) as a juvenile that meets the 922(g)(8) prohibitor.
- Information that might lead to a mental health adjudication as a juvenile (involuntary commitment for treatment, adjudicated danger to self or others, etc.).

To account for Michigan-only juvenile records, LEIN file checks (Hot-Files and PPO databases) are authorized for this purpose. Criminal history and NICS queries through LEIN are prohibited for this purpose.

Questions regarding this correspondence should be directed to the LEIN Field Services Unit at 517-241-0667, or by email at mspleinfss@michigan.gov.

Example \$.H.U21, Under 21 Enhanced Firearm Background Check Notification:

\$.H.U21.
STSBI0000

IN ACCORDANCE WITH THE BIPARTISAN SAFER COMMUNITIES ACT WHEN INDIVIDUALS UNDER 21 YEARS OF AGE SEEK THE TRANSFER OF A FIREARM THROUGH A FEDERAL FIREARMS LICENSEE THE FBI NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS REQUIRED TO CONTACT YOUR AGENCY FOR INFORMATION WE ARE PRIMARILY REACHING OUT TO YOU SEEKING RELEVANT JUVENILE INFORMATION ON THE SUBJECT BELOW HOWEVER IF YOU HAVE KNOWLEDGE OF OR POSSESS ANY INFORMATION THAT COULD IMPACT THE SUBJECTS ELIGIBILITY TO RECEIVE A FIREARM WE REQUEST YOU PROVIDE SUCH INFORMATION OR MAKE US AWARE BY EMAILING (PLEASE REPLACE THE SPACE WITH A PERIOD IN THE EMAIL ADDRESS) NICS_U21@FBI GOV

PLEASE RESPOND TO THIS REQUEST WITHIN THREE BUSINESS DAYS INCLUDING THE NICS TRANSACTION NUMBER (NTN) LISTED BELOW PLEASE INDICATE WHETHER YOUR AGENCY DOES OR DOES NOT POSSESS PROHIBITING INFORMATION OR WHETHER YOUR AGENCY HAS KNOWLEDGE OF POTENTIALLY PROHIBITING INFORMATION FOR

NAME DOE, JOHN L NTN-102356748

SEX M RACE W DATE OF BIRTH 10-11-1990 PLACE OF BIRTH WV

HEIGHT 601 WEIGHT 185 SOCIAL SECURITY NUMBER 123456789

RESIDENCE ADDRESS: 456 AMERICAN WAY, HISCITY, HISCOUNTY, ST 00000

THE TYPES OF INFORMATION YOU MAY POSSESS INCLUDE BUT ARE NOT LIMITED TO AN INFERENCE OF DRUG USE WITHIN THE PAST YEAR ACTIVE WARRANTS ACTIVE PROTECTION ORDERS PENDING OR CONVICTED CRIMINAL CASES OR MENTAL HEALTH ADJUDICATIONS IF A MENTAL HEALTH ADJUDICATION IS LOCATED AND CANNOT BE SHARED DIRECTLY WITH THE NICS SECTION PLEASE INDICATE THIS IN YOUR EMAIL RESPONSE IF YOU HAVE QUESTIONS REGARDING THIS REQUEST PLEASE PROVIDE A NAME AND PHONE NUMBER AND THE NICS SECTION WILL CONTACT YOUR AGENCY FOR FURTHER DISCUSSION

PLEASE NOTE (IN REGARDS TO MENTAL HEALTH ADJUDICATIONS) THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA) PRIVACY RULE TITLE 45 CODE OF FEDERAL REGULATIONS, SECTION

164 512(K)(7) WAS AMENDED IN 2016 (81 FEDERAL REGISTER 382-01) TO ALLOW COVERED ENTITIES TO DISCLOSE PROTECTED HEALTH INFORMATION TO THE NICS WITHOUT REQUIRING THE INDIVIDUALS CONSENT IN ORDER TO REPORT THE IDENTITIES OF INDIVIDUALS WHO ARE PROHIBITED FROM SHIPPING TRANSPORTING POSSESSING OR RECEIVING A FIREARM BASED ON THE FEDERAL MENTAL HEALTH PROHIBITOR TITLE 18 UNITED STATES CODE SECTION 922(G)(4)