

117TH CONGRESS
1ST SESSION

H. R. 1769

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 prosecutions secured against prohibited persons who attempt to acquire a firearm.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2021

Mr. QUIGLEY (for himself, Mr. FITZPATRICK, Mr. SWALWELL, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on the Judiciary

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 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 2021”.

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) IN GENERAL.—If the national instant criminal
11 background check system established under section 103
12 of the Brady Handgun Violence Prevention Act (18 U.S.C.
13 922 note) provides a notice pursuant to section 922(t) of
14 this title that the receipt of a firearm by a person would
15 violate subsection (g) or (n) of section 922 of this title
16 or State law, the Attorney General shall, in accordance
17 with subsection (b) of this section—

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

22 “(A) that the notice was provided;

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

25 “(C) of the date and time the notice was
26 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) REQUIREMENTS FOR REPORT.—A report is
10 made in accordance with this subsection if the report is
11 made within 24 hours after the provision of the notice de-
12 scribed in subsection (a), except that the making of the
13 report may be delayed for so long as is necessary to avoid
14 compromising an ongoing investigation.

15 “(c) RULE OF CONSTRUCTION.—Nothing in sub-
16 section (a) shall be construed to require a report with re-
17 spect to a person to be made to the same State authorities
18 that originally issued the notice with respect to the per-
19 son.”.

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

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

1 **SEC. 3. ANNUAL REPORT TO CONGRESS.**

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

5 **“§ 925C. Annual report to Congress**

6 “Not later than 1 year after the date of the enact-
7 ment of this section, and annually thereafter, the Attorney
8 General shall submit to the Congress a report detailing
9 the following, broken down by Federal judicial district:

10 “(1) With respect to each category of persons
11 prohibited by section 922(g) from receiving or pos-
12 sessed a firearm who are so denied a firearm—

13 “(A) the number of cases referred to the
14 Bureau of Alcohol, Tobacco, Firearms and Ex-
15 plosives;

16 “(B) the number of cases with respect to
17 which an investigation was opened by a field di-
18 vision of the Bureau of Alcohol, Tobacco, Fire-
19 arms and Explosives;

20 “(C) the number of arrests made; and

21 “(D) the number of convictions obtained
22 by Federal authorities in connection with the
23 denial.

24 “(2) The number of background check notices
25 reported to State authorities pursuant to section
26 925B (including the number of the notices that

1 would have been so reported but for section
2 925B(c).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for such chapter, as amended by section 2(b) of this Act,
5 is amended by inserting after the item relating to section
6 925B the following:

“925C. Annual report to Congress.”.

○