



Reporting Mental Health Adjudications and Commitments to the National Instant Criminal Background System (NICS)



*Office of Court Administration
Court Services Division*

**Have you ever had questions about
properly reporting court orders related to
Mental Health?**



WHAT WE WILL COVER-

History and Functionality

National and State Statistics

Reporting

Retention & Resources



HISTORY AND FUNCTIONALITY



NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS)

NICS is a system used to determine if the name and birth year of a prospective purchaser of firearms or explosives match those of a person who is **not eligible to buy** those items.



History- National Instant Criminal Background Check System (NICS)

The Brady Act mandated that Federal Firearms Licensees (FFL) dealers run background checks on their buyers. In 1998 NICS was up and running, administered by the FBI, and applied to all firearms purchases from FFL dealers, including long guns.



James Brady

August 29, 1940 – August 4, 2014

After an assassination attempt on President Ronald Reagan, where his White House Press Secretary, James Brady, was seriously injured, efforts to create a national system began.



HOW IT WORKS

NICS is a centralized computer system providing information to FFLs on whether a prospective purchaser or transferee is eligible to receive or possess firearms.

After completion of an application for the purchase or transfer of a firearm, an FFL must contact NICS to perform a background check.



HOW IT WORKS

NICS performs the background checks using the automated databases.

Three databases are accessed:

- National Crime Information Center (NCIC)
- Interstate Identification Index (III)
- NICS



HOW IT WORKS

Background Checks-

- Generally determined within a few minutes of receipt of the inquiry.
- ✓ If no match, the dealer may proceed with the transfer.

- ❖ If additional information is needed, follow-up requests to agencies such as the police, prosecutors, and/or the courts will occur to establish the eligibility of an individual to possess a firearm under **state or federal law.**



How it works

- NICS has **3 business days** to determine whether a gun transfer is prohibited. If a definitive determination within that timeframe is not accomplished, the FFL may lawfully transfer the firearm.



NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Passed in 2007 in response to the Virginia Tech shootings in order to address gaps in NICS.

Despite having been ruled a danger to himself by a Virginia court, a Virginia Tech student, was able to purchase firearms.



NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Under the Gun Control Act of 1968, it was illegal for the student to purchase the firearms; however, his **mental health adjudication** was not submitted to NICS, which would have resulted in his purchase being denied.



NICS IMPROVEMENT AMENDMENTS ACT OF 2007

The NICS Improvement Amendments Act of 2007 targeted the reporting of information to NICS about **mental health adjudications** and commitments and other contributing mental health factors. In addition, it required the automation of records to address concerns of delays for law-abiding gun purchasers.

determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transaction Serial Number (if any)

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's Buyer's Full Name (If legal name contains an initial only, record "IO" after the initial. If no middle initial or name, record "NMN".) Last Name (Including suffix (e.g., Jr, Sr, II, III)) First Name Middle Name

2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.) Number and Street Address City State ZIP Code

3. Place of Birth U.S. City and State -OR- Foreign Country 4. Height (In.) Weight (Lbs.) 7. Birth Date (MM/DD/YYYY) Male Female

8. Social Security Number (Optional, but will help with identification) 9. Unique Personal Identification Number (if applicable (See Instructions for Question 9))

10.a. Ethnicity (In answer to ethnic questions, race in 10.b, 10.c, and 10.d. must be answered.)
 Hispanic or Latino
 Not Hispanic or Latino
 American Indian or Alaska Native
 Black or African American
 Native Hawaiian or Other Pacific Islander
 White

11. Answer the following questions (check "yes", "no", or "no" in boxes to the right of the questions.)

	Yes	No
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a paired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)	<input type="checkbox"/>	<input type="checkbox"/>
b. Are you under indictment, information, or any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	<input type="checkbox"/>	<input type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	<input type="checkbox"/>	<input type="checkbox"/>
d. Are you a fugitive from justice? (See Instructions for Question 11.d.)	<input type="checkbox"/>	<input type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.	<input type="checkbox"/>	<input type="checkbox"/>
f. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	<input type="checkbox"/>	<input type="checkbox"/>



STATISTICS



NATIONAL AND STATE STATISTICS

- As of May 31, 2026, there were **34,744,424** total **active** indices entries in NICS, of which **8,321,507** were Mental Health adjudications.
- As of December 31, 2025, there were **473,885 active Texas records**, with **381,165** of those reported as Mental Health adjudications.
(State Statistics for 2025 are not yet posted by the FBI.)

REQUEST FOR CRIMINAL
BACKGROUND CHECK





National Instant Criminal
Background Check System
(NICS) Section
2024 Operational Report

NICS SECTION

On **December 18, 2024**, NICS hit the monumental milestone of processing its **500,000,000th background check**, officially crossing over the half-billion mark in volume.

<https://www.fbi.gov/file-repository/2024-nics-operational-report.pdf/view>

2025 operational report not yet published and available as of 6/17/2026.



Federal Denials: Nov. 30, 1998 – May 31, 2026

Rank	Prohibited Category Description	Total
1	Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years.	1,278,475
2	Fugitive from Justice	248,989
3	Unlawful User/Addicted to a Control Substance	241,006
4	Misdemeanor Crime Domestic Violence Conviction	210,868
5	State Prohibitor	160,825
6	Under Indictment/Information	149,460
7	Adjudicated Mental Health	93,945
8	Protection/Restraining Order for Domestic Violence	85,763
9	Illegal/Unlawful Alien	57,289
10	Federally Denied Persons File	6,447
11	Dishonorable Discharge	1,781
12	Renounced U. S. Citizenship	122
	Grand Total	2,534,970

https://www.fbi.gov/file-repository/federal_denials.pdf/view



The largest number of denials are based upon the finding of a criminal record.



NICS Firearms Background Checks Top 10 Highest Days

November 30, 1998 - May 31, 2026

		<u>Total Checks</u>
1	3/17/2021 Wednesday	236,295
2	3/30/2021 Tuesday	220,655
3	11/24/2023 Friday	214,913
4	3/25/2021 Thursday	212,008
5	3/20/2020 Friday	210,308
6	3/18/2021 Thursday	209,332
7	3/29/2021 Monday	208,002
8	11/24/2017 Friday	203,086
9	11/29/2019 Friday	202,465
10	3/19/2021 Friday	195,983

NICS Firearms Background Checks Top 10 Highest Weeks

November 30, 1998 - May 31, 2026

		<u>Total Checks</u>
1	March 15, 2021 - March 21, 2021	1,218,002
2	March 16, 2020 - March 22, 2020	1,197,788
3	January 11, 2021 - January 17, 2021	1,082,449
4	March 22, 2021 - March 28, 2021	1,080,245
5	January 4, 2021 - January 10, 2021	1,071,820
6	March 29, 2021 - April 4, 2021	1,037,344
7	June 1, 2020 - June 7, 2020	1,004,798
8	January 18, 2021 - January 24, 2021	976,637
9	December 14, 2020 - December 20, 2020	973,470
10	December 17, 2012 - December 23, 2012	953,613



STATE BACKGROUND CHECK STATISTICS



Kentucky has highest total number of Background Checks.

Illinois is the distant 2nd runner up.



State	2024 Federal NICS Section Denials	Total Number of Firearm Background Checks
California	FBI/NICS Does Not Process CA Checks	1,475,944
Florida	FBI/NICS Does Not Process FL Checks	1,275,437
Illinois	FBI/NICS Does Not Process IL Checks	2,768,955
Kentucky	3,167	3,741,704
North Carolina	10,023	690,628
Pennsylvania	FBI/NICS Does Not Process PA Checks	1,109,012
Texas	18,590	1,702,652



Texas had the highest number of Denials in 2024.

North Carolina was 2nd runner up.



FBI's 2025 operational report not yet available as of 6/17/2026.

Texas Statistics for Firearm Background Checks (By year)

NICS Firearm Background Checks: Month/Year by State

Year 2024

January 1, 2024 - December 31, 2024

NOTE: These statistics represent the number of firearm background checks initiated through the NICS. They do not represent the number of firearms sold. Based on varying state laws and purchase scenarios, a one-to-one correlation cannot be made between a firearm background check and a firearm sale.

State / Territory	January	February	March	April	May	June	July	August	September	October	November	December	Grand Total
Texas	128,453	148,972	158,096	133,950	122,363	128,605	119,746	143,984	132,858	142,102	165,602	177,921	1,702,652

Year 2025

January 1, 2025 - December 31, 2025

NOTE: These statistics represent the number of firearm background checks initiated through the NICS. They do not represent the number of firearms sold. Based on varying state laws and purchase scenarios, a one-to-one correlation cannot be made between a firearm background check and a firearm sale.

State / Territory	January	February	March	April	May	June	July	August	September	October	November	December	Grand Total
Texas	140,751	150,461	162,022	130,986	134,735	127,807	131,529	141,104	143,083	147,277	153,216	176,819	1,739,790

On track for similar statistics again this year:

Year 2026

January 1, 2026 - May 31, 2026

NOTE: These statistics represent the number of firearm background checks initiated through the NICS. They do not represent the number of firearms sold. Based on varying state laws and purchase scenarios, a one-to-one correlation cannot be made between a firearm background check and a firearm sale.

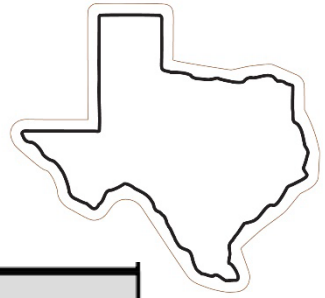
State / Territory	January	February	March	April	May	June	July	August	September	October	November	December	Grand Total
Texas	139,446	149,338	160,827	138,075	133,556								721,242

https://www.fbi.gov/file-repository/cjis/nics_firearm_checks_-_month_year_by_state.pdf/view



Mental Health State Statistics- 2025

CONSTITUTIONAL COUNTY COURTS

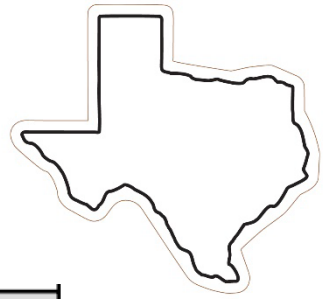


MENTAL HEALTH CASES						
	Temporary Mental Health Services	Extended Mental Health Services	Modification		Order to Authorize Psychoactive Medications	
			Inpatient to Outpatient	Outpatient to Inpatient		
Intake						
New Applications Filed	6,032	115	0	42	New Applications Filed	853
Orders for Protective Custody Signed	5,518	---	---	---	Dismissal Prior to Hearing	37
					Hearings Held	603
Hearings						
Probable Cause Hearings Held	3,155	---	---	---	Disposition at Hearing	
Release/Dismissal Prior to Final Hearing	4,040	5	32	1	<i>Denied</i>	8
Final Commitment Hearings Held	647	8	0	2	<i>Granted</i>	768
Other Information						
Disposition at Final Hearing						
<i>Denied (Release)</i>	25	0	0	0		
<i>Granted (Commit)</i>						
<i>Inpatient</i>	980	73	0	---		
<i>Outpatient</i>	38	0	---	0		



Mental Health State Statistics- 2025

STATUTORY COUNTY COURTS



MENTAL HEALTH CASES						
	Temporary Mental Health Services	Extended Mental Health Services	Modification		Order to Authorize Psychoactive Medications	
			Inpatient to Outpatient	Outpatient to Inpatient		
Intake						
New Applications Filed	48,973	273	149	127	New Applications Filed	4,604
Applications for Protective Custody Signed	46,130	---	---	---	Dismissal Prior to Hearing	669
					Hearings Held	3,763
Hearings						
Probable Cause Hearings Held	40,951	---	---	---	Disposition at Hearing	
Release/Dismissal Prior to Final Hearing	41,278	135	5	26	<i>Denied</i>	200
Final Commitment Hearings Held	5,974	213	27	29	<i>Granted</i>	3,324
Other Information						
Disposition at Final Hearing						
<i>Denied (Release)</i>	1,989	5	4	1		
<i>Granted (Commit)</i>						
Inpatient	3,243	193	39	---		
Outpatient	314	71	---	10		



REPORTING



REPORTING (HB 3352, 2009)

Effective 9/1/2009, Government Code sections [411.052](#) and [411.0521](#) and [Health and Safety Code section 574.088](#) require compliance with, and implementation of, the federal NICS Improvement Amendments Act of 2007.

Reporting Mental
Health Records to
the NICS Index



The Act required the retroactive reporting of all relevant orders issued by the courts from 9/1/1989 through 8/31/2009 and the continued reporting of all relevant court orders issued from that point forward.



REPORTING (SB 728, 2023)

On June 25, 2022, the Bipartisan Safer Communities Act was signed into law. One of the most prominent changes to federal law under the Act was enhancing the review process for juvenile mental health record checks when a prospective buyer of firearms initiates a purchase from a Federal Firearms Licensee (FFL). The Act amended the definition of disqualifying mental health adjudications to **include juveniles aged 16 years or older**.

Effective September 1, 2023, Senate Bill 728 was passed by the 88th Texas Legislature to **align with federal law**. Amending Government Code Sections 411.052(a) and 411.0521 as well as Family Code Section 58.007(a).



»»» OLDER CASES TO REPORT

- HB 3352 requires clerks to submit records for cases in which an order was issued on or after **September 1, 1989** and before **September 1, 2009** by September 1, 2010.
- Although this deadline has passed, older cases must still be entered until all required reporting is completed.



MENTAL HEALTH REPORTING (SB 728, 2023)

- ✓ In 2023, SB 728 changed the definition of a *federal prohibited person* to an *individual* “who is **at least 16 years of age**” in the case of :
 - ✓ a person ordered by a court to receive inpatient mental health services;
 - ✓ a person acquitted in a criminal case by reason of insanity or lack of mental responsibility;
 - ✓ a person determined to have an intellectual disability and committed by a court for long-term placement in a residential care facility; and
 - ✓ a person determined to be incompetent to stand trial.

(See: *Gov't Code Sec. 411.052 and 411.0521*)



MENTAL HEALTH ORDERS TO REPORT



NOTE:

- ❖ It is the **signed COURT ORDER** in each of the cases above that triggers the reporting requirement.
 - ❖ **DO NOT REPORT** based upon the filing of a medical or psychological examination report presented as evidence.
- ❖ There **must be an order** filed by the court.
- ❖ Orders issued on or after September 1, 2009, must be entered into NICS/CJIS **not later than 30 days** after the date of the court order.



NICS Table of Reportable Orders

~

Your Quick Reference



What is NICS?

As required by law, the National Instant Criminal Background Check System (NICS) conducts background checks on people who want to own a firearm or explosive.

When a person tries to buy a firearm, the seller, known as a Federal Firearms Licensee (FFL), contacts NICS electronically or by phone. The prospective buyer fills out an ATF form, and the FFL relays that information to the NICS. The NICS staff performs a background check on the buyer. That background check verifies the buyer does not have a criminal record or isn't otherwise ineligible to purchase or own a firearm under state or federal law.

How does information that would disqualify a buyer from obtaining a firearm get reported by Texas court officials to NICS?

- District clerks and county clerks report the disposition of criminal cases through the Texas Department of Public Safety's (DPS) Electronic Disposition Reporting portal in its Criminal Justice Information System (CJIS) site, which serves as the state's computerized criminal history system.
- District clerks and county clerks report prohibiting mental health adjudications and commitments through the Texas DPS's NICS Indices Entry (NIE) portal in CJIS. (See Texas Mental Health Reporting Table.) If a clerk does not have any activity to report for a month, a "Zero Activity" Report is required for the month.
- Clerks or relevant courts report convictions for fine-only (Class C) assaults involving family violence through the Texas Department of Public Safety's NICS Indices Entry portal in CJIS.

Information submitted on felony convictions, mental health adjudications and commitments, and Class C family violence assault convictions is forwarded to the FBI for inclusion in its NICS Indices to conduct background checks.



NICS REPORTING CHART

*Note: It is the **signed court order or receipt of a mandate** from an appellate court reversing the order in the cases below that trigger the reporting requirement.*

Cases to Report	Case Status	Patient Status	Facilities	Report Due
1. Mental Health or Intellectual Disability Commitments – 16 years of age or older				
a. Court-Ordered Mental Health Commitment <i>(Health and Safety Code, Chapter 574)</i>	Order for court-ordered inpatient commitment signed & filed	Court-ordered temporary or extended inpatient mental health commitment	State hospitals, private hospitals, Veterans' Affairs hospitals, etc.	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed <i>(HSC §574.088)</i>	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
b. Commitment to Long-Term Residential Care <i>(Health and Safety Code, Chapter 593, Subchapter C)</i>	Order for commitment signed & filed	Intellectually disabled	State supported living center or ICF-IID component of the Rio Grande Ctr	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed <i>(HSC §574.088)</i>	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS

Mental Health & Intellectual Disability Commitment



MENTAL HEALTH ORDERS TO REPORT



- Commitments of individuals 16 years or older for temporary or extended **inpatient** mental health services under Chapter 574, Health and Safety Code or Chapter 55, Family Code.
 - ✓ This includes individuals **involuntarily committed** to state hospitals, private hospitals, Veterans' Affairs hospitals, etc.;
- Commitments of individuals 16 years or older determined to have intellectual disabilities requiring **long-term placement in a residential care facility** under Chapter 593, Health and Safety Code or Chapter 55, Family Code;



BREAKING DOWN MENTAL HEALTH COMMITMENT ORDERS TO REPORT

Commitments for **temporary or extended inpatient mental health services**:

- If more than 1 commitment order, **all should be reported.**
- If a court initially issues a **temporary** commitment order and then later issues an **extended** commitment order (or **another temporary** commitment order), **each commitment order is reported.**
- Any initial commitment order for **extended mental health services** and a **renewal** order for services, **report each order.**



BREAKING DOWN MENTAL HEALTH COMMITMENT ORDERS TO REPORT

- A new case and case number is required for each application for court-ordered inpatient mental health services, regardless if the application is for temporary or extended mental health services.
- If multiple applications for commitment orders exist for the same individual under the same cause number:
 - **report each order** in NICS by **adding a numerical suffix**, such as -1, -2, -3, etc. at the end of the cause number.



NICS REPORTING CHART

*Note: It is the **signed court order or receipt of a mandate** from an appellate court reversing the order in the cases below that trigger the reporting requirement.*

Cases to Report	Case Status	Patient Status	Facilities	Report Due
2. Criminal Cases – Adults (17 years or older) or Juveniles (under 17 years of age) Certified as an Adult				
a. Incompetency to Stand Trial <i>(Code of Criminal Procedure, Chapter 46B)</i>	Order of determination of incompetency to stand trial; order extending previously ordered commitment	Found incompetent to stand trial, including mental illness or intellectual disability – released on bail or committed to treatment facility or jail-based competency restoration program	Outpatient or jail- based competency restoration program, mental health facility, or residential care facility	Within 30 days of court order to NICS
b. Acquittal for reasons of insanity or lack of mental responsibility <i>(Code of Criminal Procedure, Chapter 46C)</i>	Final acquittal disposition reflecting insanity or lack of mental responsibility	Insanity or lack of mental responsibility	Regardless of order for inpatient treatment or residential care	Within 30 days of court order to NICS and within 5 days of disposition (to CJIS)

Criminal Cases
-
Adults & Juveniles Certified as Adult



CRIMINAL ORDERS TO REPORT



- Determination that a person is **incompetent to stand trial** under Chapter 46B, Code of Criminal Procedure, regardless of whether competency is later restored and the person is later found to be competent and proceeds to trial or otherwise receives a final case disposition; and
- **Acquittals in criminal cases for reasons of insanity or lack of mental responsibility**, regardless of whether the person was ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure.



MENTAL HEALTH ORDERS (*IN A CRIMINAL CASE*) TO REPORT



- Order that court found defendant to be **incompetent to stand trial** under Chapter 46B, Code of Criminal Procedure.
 - ✓ Report all orders finding defendant incompetent, regardless of type of mental health treatment ordered (e.g., inpatient, outpatient, or jail-based programs, etc.).
 - ✓ Report all orders finding incompetency, regardless of whether treatment is expected to (*or does*) restore competency.
- Report all Orders of Commitment to **inpatient** mental health services (**does not** include substance abuse treatment).



BREAKING DOWN CRIMINAL ORDERS (INCOMPETENT)

- ❖ **Incompetent to stand trial** under Chapter 46B, Code of Criminal Procedure
 - Original incompetency finding **is reported**
 - ❌ Any additional order(s) finding that the defendant *remains incompetent* **are not reported, however –**
 - Orders *continuing* a defendant's commitment **are reported** (commonly called a “Criminal Commitment” Order)



BREAKING DOWN CRIMINAL ORDERS (INCOMPETENT)

COMMON CLERICAL PRACTICES:

- ❖ Many/Most clerks file the “criminal commitment” order within the criminal case file. It is the most efficient process.
- ❖ If a separate cause number is not given to the “criminal commitment” order, the CJIS/NICS entry is reported under the original criminal cause number by adding a numerical suffix, such as a dash and a “1” (*i.e.*, “-1”) after the cause number (*e.g.*, 12345-1) to designate the “criminal commitment” order.



NICS REPORTING CHART

*Note: It is the **signed court order or receipt of a mandate** from an appellate court reversing the order in the cases below that trigger the reporting requirement.*

Cases to Report	Case Status	Patient Status	Facilities	Report Due
3. Juvenile Cases (Delinquent Conduct or Conduct Indicating a Need for Supervision) –16 years of age or older				
a. Unfit to Proceed (Family Code, Chapter 55, Subchapter C or Health and Safety Code, Chapter 574)	Court finding or jury verdict regarding unfitness to proceed due to mental illness or intellectual disability	Mental illness or intellectual disability	Placed in outpatient program or private inpatient psychiatric facility; commitment to mental health facility; or commitment to residential care facility	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
b. Not Responsible for Conduct (Family Code, Chapter 55, Subchapter D)	Court finding or jury verdict regarding lack of responsibility due to mental illness or intellectual disability	Mental illness or intellectual disability	Regardless of order for inpatient treatment or residential care	Within 30 days of court order to NICS

Juvenile Cases
-
Age 16 or Older



REPORTING ON JUVENILES (SB 728, 2023)

Report on federal prohibited persons (*See Gov't Code Sec. 411.0521*):

A child involved in a juvenile case who is

- ✓ **at least 16 years** of age **and** has been:
 - ✓ found **unfit to proceed** as a result of mental illness or an intellectual disability; [*Under Chp. 55C, Fam. Code*]
 - ✓ found **not responsible for the child's conduct** as a result of mental illness or an intellectual disability; [*Under Chp. 55D, Fam. Code*]
 - ✓ ordered by a court to receive **inpatient mental health services** as a result of mental illness; **or**
 - ✓ committed by a court to a **residential care facility** as a result of an intellectual disability.



NICS REPORTING CHART

*Note: It is the **signed court order or receipt of a mandate** from an appellate court reversing the order in the cases below that trigger the reporting requirement.*

Guardianship
of Adult
-
Age 18 or
Older

Cases to Report	Case Status	Patient Status	Facilities	Report Due
4. Guardianships of an Adult - 18 years of age or older				
Court Appointed Guardian of Incapacitated Adult (Estates Code, Title 3)	Order appointing permanent or temporary guardian signed & filed	Incapacitated adult who lacks mental capacity to manage his/her affairs, requiring guardian of the person, estate, or person and estate	None specified	Within 30 days of court order to NICS
	Order granting relief from firearm disability signed (EC §1202.201)	May petition for relief from firearms disability if guardianship was terminated because the person's capacity was completely restored	N/A	Within 30 days of court order to NICS



MENTAL HEALTH ORDERS TO REPORT



➤ Adult Guardianship

Cases in which the court appoints a guardian of an incapacitated adult individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage his/her affairs

(adult guardianships of the person, estate, or person and estate, including temporary guardianships)



BREAKING DOWN GUARDIANSHIP ORDERS TO REPORT

Report orders appointing guardians of the person, estate, or person and estate of mentally incapacitated adults, including:

- Temporary guardianships;
- Cases in which Texas Health and Human Services is appointed as guardian;
- Cases in which a guardian of the person or guardian of the person and estate is appointed for a person found to be partially incapacitated.



BREAKING DOWN GUARDIANSHIP ORDERS TO REPORT *(CONTINUED)*

Do NOT Report:

- If a **successor guardian** is appointed, do **not** report it.
 - Only report the original Order establishing the guardianship / appointing guardian.
 - Although a successor guardian may be appointed, there is still only one ‘guardianship’.
- Do **not** report **guardianships of minors**.



RESTORING RIGHTS

(REMOVAL OF DISABILITIES)

To regain rights to possess and purchase firearms, the individual must:

- Petition the court of jurisdiction (*court that created original guardianship*)
- Present evidence during a hearing demonstrating that he/she is no longer a danger to public safety.
- The Court then grants or denies the Petition.



LAW ON REMOVAL OF DISABILITIES TO RESTORE FIREARM RIGHTS *(ESTATES CODE § 1202.201)*

Sec. 1202.201. REMOVAL OF FIREARM DISABILITY ON COMPLETE RESTORATION OF WARD'S CAPACITY. (a) A person whose guardianship was terminated because the person's capacity was completely restored may file an application with the court that created the guardianship for an order requesting the removal of the person's disability to purchase a firearm imposed under 18 U.S.C. Section 922(g)(4).

(b) At a proceeding involving the complete restoration of the ward's capacity under Subchapter B, the ward or a person interested in the ward's welfare may request an order seeking relief from a firearms disability described by Subsection (a).

(c) In determining whether to grant the relief sought under Subsection (a) or (b), the court must hear and consider evidence about:

- (1) the circumstances that led to imposition of the firearms disability;
- (2) the person's mental history;
- (3) the person's criminal history; and
- (4) the person's reputation.

(d) A court may not grant relief under this section unless the court makes and enters in the record the following affirmative findings:

- (1) the person or ward is no longer likely to act in a manner dangerous to public safety; and
- (2) removing the person's or ward's disability to purchase a firearm is in the public interest.



BREAKING DOWN REMOVAL OF DISABILITIES; RESTORATION OF RIGHTS (CONTINUED)

- ✘ A person whose guardianship was terminated because their capacity was completely restored ***may*** file an application with the court that created the guardianship for an order requesting removal of their disability to purchase a firearm.

[Estates Code §1202.201](#)

- ✘ ***Not*** Automatic.

- ✘ Removal of disabilities ***may*** be requested at the hearing to terminate the guardianship and completely restore the ward's capacity; otherwise, if filed later, it is a ***new and separate suit***.



BREAKING DOWN GUARDIANSHIP ORDERS TO REMOVE DISABILITIES (CONTINUED)

- If all requirements are met, *and* the Court Orders the Individual's Disabilities Removed (Restoring Rights to Purchase Firearms), *then* the individual's NICS record may be cancelled by the Clerk through CJIS/NICS.
- To complete the record cancellation in a case, answer "Y" to the '**Relief from Disabilities**' question.



Reversed
by
Appellate
Court

NICS REPORTING CHART

*Note: It is the **signed court order or receipt of a mandate** from an appellate court reversing the order in the cases below that trigger the reporting requirement.*

Cases to Report	Case Status	Patient Status	Facilities	Report Due
5. Reversal of Order by Appellate Court				
Reversal of Previously Reported Order by Appellate Court	Mandate issued by appellate court	N/A	N/A	Within 30 days of receipt of mandate from appellate court by clerk



BREAKING DOWN ORDERS REVERSED ON APPEAL

✘ **The Law:** Gov't Code Sec. 411.0521(d)

“(d) If an **order previously reported to the department under Subsection (a) is reversed** by order of any court, the clerk shall notify the department of the reversal not later than 30 days **after the clerk receives the mandate from the appellate court.**”

✘ **Effect of Law:** Report (remove) cases in which an order previously reported is **reversed** by an order of any court within **30 days** of receipt of the **mandate from the appellate court.**



BREAKING DOWN *(ONE MORE TIME)* ORDERS TO REMOVE FROM REPORTING



- If an **appellate court** reverses an order previously reported, the entry in NICS/CJIS **must** be **cancelled** by the clerk not later than **30 days after** the clerk **receives** the mandate from the appellate court.





**DO
NOT
REPORT**

NICS REPORTING CHART

Do Not Report

1. Guardianship of minors	4. Commitments orders for outpatient mental health services, whether temporary or extended
2. Orders for emergency mental health detentions, admissions, or warrants; order of protective custody (mental health)	5. Applications for court-ordered inpatient mental health services that are transferred to another county to re-file or to hear your original filing
3. Voluntary mental health commitments	6. Court-ordered inpatient chemical dependency or alcohol services
7. Juvenile (Delinquent Conduct or Conduct Indicating a Need for Supervision) cases in which the respondent is under 16 years of age	



DO NOT REPORT



- ✘ Guardianships of **minors**;
- ✘ **Emergency** mental health detentions, admissions or warrants;
- ✘ Orders of **protective custody** (mental health);
- ✘ **Voluntary** commitments;

[NOTE: An agreed court order is not a voluntary commitment. The necessity of the court order makes it an involuntary commitment]

(Continued on next slide.)



DO NOT REPORT



- ✘ Applications for court-ordered inpatient mental health services that are **forwarded/transferred to another county** to re-file or to hear your original filing;
- ✘ Court-ordered inpatient **chemical dependency** or alcohol services.
- ✘ Juvenile (Delinquent Conduct or Conduct Indicating a Need for Supervision) cases in which the **respondent is under age 16**.
- ✘ Commitments for court-ordered temporary or extended **outpatient** mental health services; *



DO NOT REPORT

*** OUTPATIENT**

MENTAL HEALTH COMMITMENT



Texas law does not require clerks to report outpatient commitment orders. The Texas legislature considered this question, and the resulting bills that passed are codified in [**Gov't Code Sec. 411.0521**](#), which does not include reporting requirements for outpatient mental health commitments.

NOTE: If court order for outpatient commitment includes language prohibiting possessing firearms or weapons, the clerk should consult with the Judge and local County Attorney to determine whether that court order is NICS reportable or not.



DO **NOT** REMOVE RECORDS FROM NICS FOR CHANGE IN CIRCUMSTANCES OR FOR ANY NEW / REVISED ORDER

The NICS entry for a person **remains in the database** if:

- They are later found competent to stand trial
- They are discharged from court ordered inpatient mental health services
- Guardianship of the person is terminated and their capacity judicially restored

CANCELLED

DO NOT REMOVE

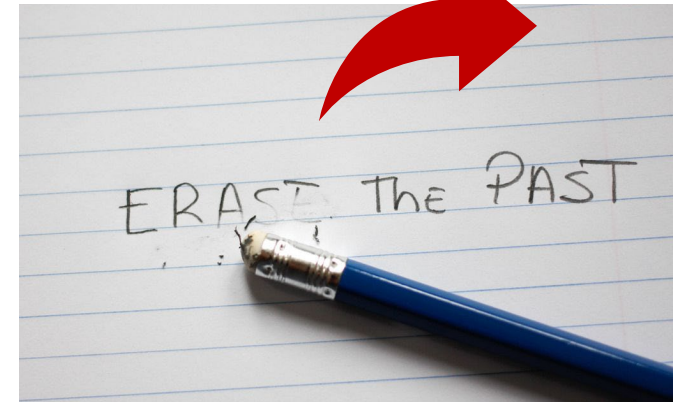


CANCELING A RECORD MADE IN ERROR IN THE CJIS/NICS DATABASE

If a record was **entered** into the database **in error** (*Examples: a minor guardianship was entered, OR an entry was made based on an application rather than on a court order*):

- ✓ The incorrectly entered record **can be cancelled** through the CJIS record cancellation process.
- ✓ In this instance, enter “**N**” to the ‘**Relief from Disabilities**’ question.

CANCELLED



REPORTING DEADLINES

County and District clerks must report:

- Information on prohibiting mental health adjudications and commitments to the Texas Criminal Justice Information System (NICS/CJIS) **within 30 days** of the order/judgment being issued.
- If no activity for that month, a **Zero Activity Report** must be submitted **for each court (ORI)** to comply.





Texas Department
of Public Safety

[Services](#)

[Driver License & IDs](#)

[Regulatory Services](#)

[Crime Laboratory](#)

[Crime Records](#)

[Fallen Heroes Memorial](#)

[Home](#) > [Crime Records](#) > [Criminal History Reporting \(CHR\)](#)

Criminal History Reporting (CHR)

Here you will find all the details, explanations and user manuals to report criminal and juvenile justice information to DPS for inclusion in the Computerized Criminal History (CCH). You will find the Adult Reporting Training manual and the Juvenile Reporting Training manual that give step-by-step instructions, including definitions, for how to fill out the CR-43, CR-44, CR-43J and CR-44J Criminal History Reporting Forms.

If you would like to receive training on these forms or the information that is required for reporting, please contact your Criminal History Reporting (CHR) Training Rep. You can also contact the CHR Office by calling (512) 424-2478 or emailing: CHR.Training@dps.texas.gov.

[Adult and Juvenile Training Manuals](#)

[Reporting Codes and Forms](#)

- [Adult & Juvenile Reporting Codes](#)
- [Reporting Forms](#)

[Supply Order Forms](#)

- [DPS Identification Supplies Order Form \(PDF\)](#)
- [FBI CJIS Supply Requisition Form](#)

[Other Information](#)

- [Open Offense Report Macro \(XLSM\)](#)
- [EDR Website User Guides](#)



NO ACTIVITY TO REPORT?

➔ ZERO REPORT REQUIRED



REPORTS

NAME	DESCR
CJIS EDR Statistics	CJIS EDR Statistics
County Arrest Data	This report provides the open and closed arrest(ER2) for the specified date range.

NOTE: You do not need to enter **Zero Reports** for each ORI back to 1989.
If Zero Reports were not previously entered for your courts, **start today** by reporting last month.



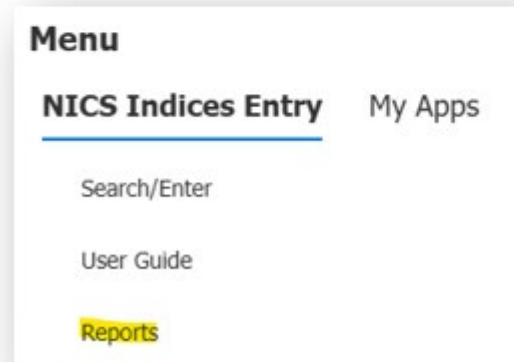
NICS – INSTRUCTIONS TO PRINT LOCAL REPORTING HISTORY

Instructions to pull and print NICS reporting history directly from the DPS/NICS website where you report.

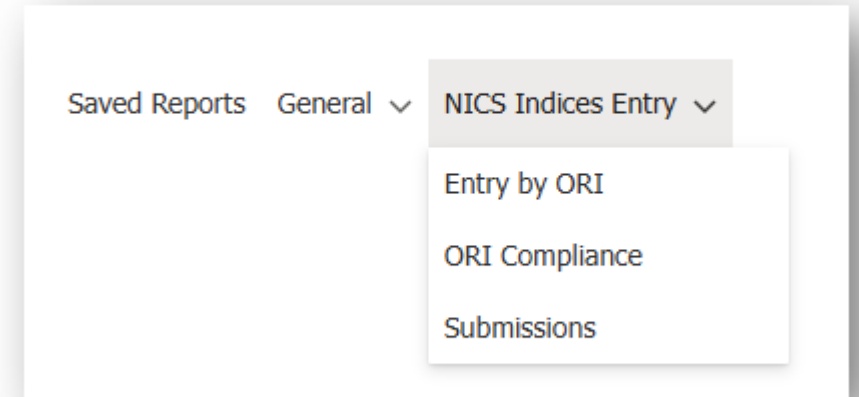
1) Go to the NICS Indices Entry application.



2) Click on Menu, select Reports.



3) Select the desired report.



(continued on next slide)

NICS – INSTRUCTIONS TO PRINT LOCAL REPORTING HISTORY

(continued)

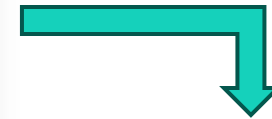
Instructions to pull and print NICS reporting history directly from the DPS/NICS website where you report.

NOTE:

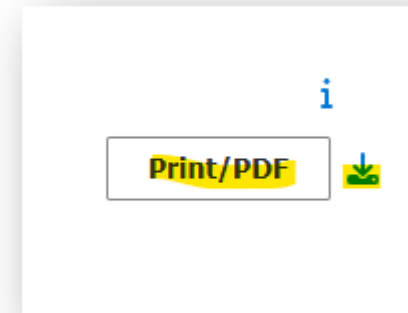
Because report is by ORI, you will need to pull the history for each ORI (aka each court) to obtain a full reporting history.

- 4) Enter the desired parameters. The Entry by ORI report creates a report of all entries, including details, by/for that ORI in NICS.

The screenshot shows a web interface for generating a report. At the top, there are navigation tabs: 'Saved Reports', 'General', and 'NICS Indices Entry'. The main heading is 'Entry By ORI'. Below this, there is a form with two fields: 'ORI *' with a text input containing 'TX923600Z', and 'Retain *' with a dropdown menu set to 'None'. A blue 'Submit' button is located below the form. Underneath the button, the text 'Table Data' is followed by a horizontal line, and 'Count: 2941' is displayed at the bottom.



- 5) Print out that report in PDF or download an Excel of the data.



REVIEW - RECOMMENDED PRACTICES

CMS CASE EVENT CODES - NICS & OCA

Some suggested case event codes for entering in your CMS for clarity in the court records and tracking NICS reportable orders and internal audit and verification:

1. Order/Judgment of Incompetency (NICS + OCA)

2. Unfit to Proceed (NICS + OCA)

3. Order for Long-Term Residential Care (Intellectual Disability) (NICS + OCA)

4. Order for Mental Health Commitment, In-Patient (NICS + OCA)

Each of the above (1-4):

- ✓ Triggers NICS Reporting
- ✓ Inactivates Case for OCA Monthly Report and Annual Performance Measures Report

5. Order for Mental Health Commitment, Out-Patient (OCA)

- ✓ Inactivates Case for OCA Reporting but does *not* trigger NICS Reporting.

6. Order Appointing Guardian (NICS + OCA)

- ✓ Triggers NICS Reporting, OCA disposition reporting (Monthly and Performance Measures)

7. Not Guilty Acquittal, By Reason of Insanity (NICS + OCA)

8. Not Guilty Acquittal, Lack of Mental Responsibility (NICS + OCA)

Both of these (7 & 8):

- ✓ Triggers NICS Reporting
- ✓ Serves as Final Disposition of Case for OCA Reporting



REVIEW – RECOMMENDED PRACTICES

CMS CASE EVENT CODES - NICS

Some suggested case event codes for entering in your CMS for tracking your NICS reporting and internal audit or verification processes:

1. **Reported Order to CJIS/NICS**

- ✓ Event would be a non-docketable clerk notation into the case index.
- ✓ Event would be dated the same date/time when the NICS entry is made in CJIS and should be close to date order is entered.
- ✓ If available in your CMS, “relate” this event to the reportable order case event and to the reportable order document image.
- ✓ Include a comment on this event that identifies the date and title of the reported order.

2. **Entry in CJIS/NICS Indices Verified and Confirmed**

- ✓ Once the NICS entry is reported, have a separate individual verify that the NICS entry appears in CJIS.
- ✓ Event would be dated the same date/time when the NICS entry is verified and might be the date you have scheduled for entering your zero reports.
- ✓ If available in your CMS, “relate” this event to the reportable order case event, the “reported to CJIS/NICS” event, and to the reportable order document image.



TRACKING REPORTABLE ORDERS

If using unique event or action codes as recommended:

- Run a report in CMS for each court to check for any NICS reportable orders entered.
 - ✓ Check and verify that NCIS reporting has been submitted for **each reportable order**.
 - ✓ Add Event (Case Note) for: **Entry in CJIS/NICS Indices Verified and Confirmed**
 - ✓ Run report daily or weekly, depending upon the volume of orders typically entered, so that NICS reporting is entered ASAP.
- Run a Monthly version of the same report to determine Zero Activity:
 - On the first business day of each month
 - For each local court,
 - If no entries or activity found for any single court during that month, enter a **Zero Activity Report for that court (ORI)**.



HOW TO REPORT MH CASES IN CJIS/NICS

The DPS NICS Reporting Manuals are online here:

<https://www.dps.texas.gov/section/crime-records/texas-nics-indices-entry-reporting>



Texas NICS Mental Health Reporting Manual

July 2025

NICS Indices Entry (NIE) User Guide

Version 1.4
December 19, 2024

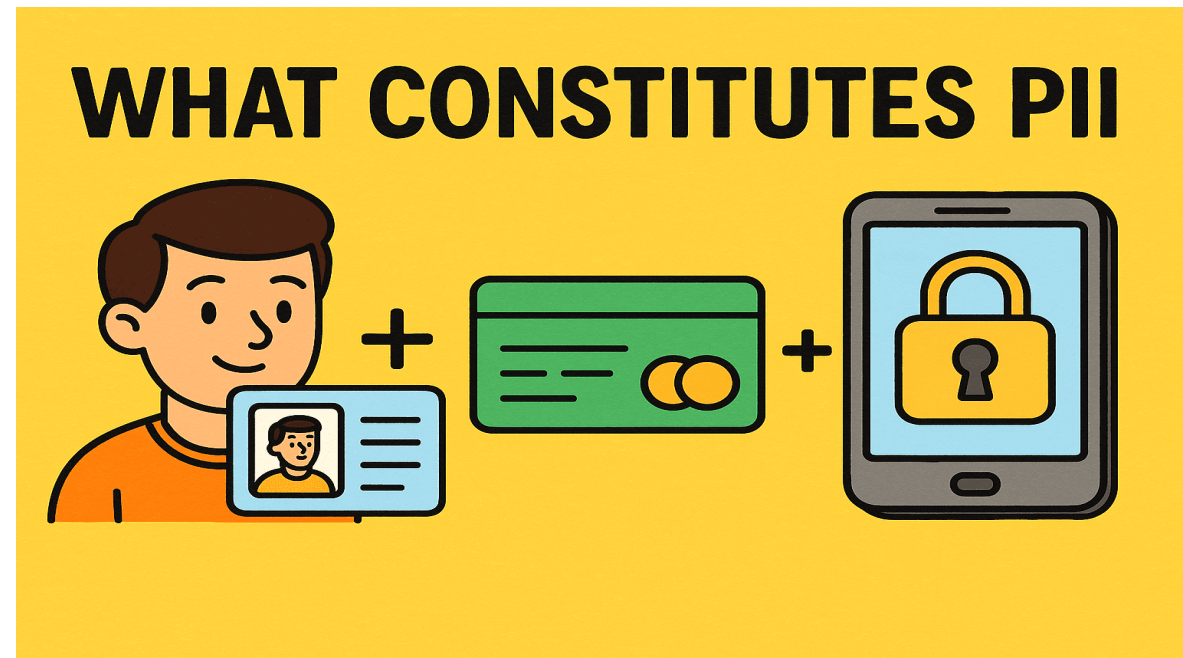


DATA TO REPORT IN NICS

The reportable data requires **Personal Identifying Information (PII)*** which:

- must be entered and
- must be retained by the clerk.

* (Explained and discussed in upcoming slides.)



DATA TO REPORT (INCLUDES PII*)

All records **must** contain the following **required information:**

- Court ORI
- Case Number
- Case Type
- Court Date (*Date of order/judgment*)
- *** First Name** (*Generic names or initials not accepted*)
- *** Last Name** (*Generic names or initials not accepted*)
- *** Date of Birth** (*Note: All 3 fields required MMDDYYYY*)
- *** Sex**
- *** Race** (*Note: You may select “Unknown”*)



DATA TO REPORT (INCLUDES PII*)

(CONTINUED)

The following fields are **optional supplementals**:

- *** State Identification Number**
- *** Social Security Number**
- *** Driver License Number**

NOTE:

- ✓ If you have the information, enter as many fields as possible and available.
- ✓ These identifiers help clarify that the correct individual is reported in the NICS Indices and helps FBI audits.



Records

NICS REPORTABLE ORDERS: RECORD RETENTION AND RESOURCES



NICS RECORD RETENTION REQUIREMENTS

Currently, there is no record retention schedule specific to only mental health-related cases reported to CJIS/NICS. These fall under various case categories:

- Criminal
- Guardianship
- Mental Health
- Admission to state care



More Info Available from TSLAC: <https://www.tsl.texas.gov/slr/localretention>



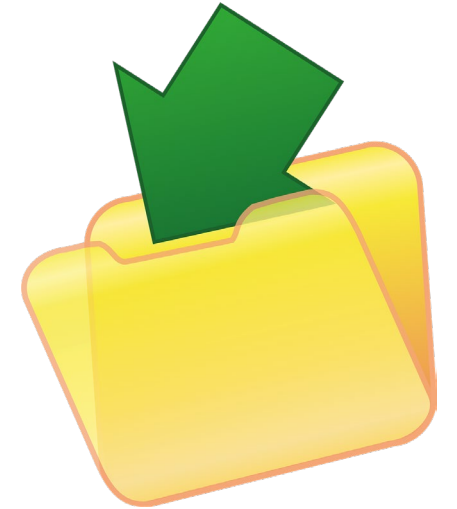
NEW RECORD RETENTION REQUIREMENTS

2025 – 89th Legislative Session: SB1667 Added

Code of Criminal Procedure, Article 55A.3025

RETENTION OF CERTAIN MENTAL HEALTH RECORDS

- (a) The **court shall retain** federal prohibited person information, as defined by Section 411.052, Government Code, **regardless of whether an expunction order is issued** with regard to the criminal case in which that information is contained.



NEW RECORD RETENTION REQUIREMENTS

**2025 – 89th Legislative Session: SB1667 Added
Code of Criminal Procedure, Article **55A.3025**
RETENTION OF CERTAIN MENTAL HEALTH RECORDS**



(b) The **court shall keep the information** described by Subsection (a) **confidential**, and the information is subject to **release to the Department of Public Safety or the Federal Bureau of Investigation**, as applicable, **only** for purposes of **an audit of records** described by Section 411.0521(c-1), Government Code, or to otherwise verify the inclusion of a person's records in **the National Instant Criminal Background Check System**.



RECORD RETENTION - BEST PRACTICE

Maintain **P**ersonal **I**dentifying **I**nformation obtained from other databases or sources (such as case management system, jail, and skip tracing records) by:

- ✓ Making photocopies (*or saving a PDF*) of the identifying information; **and**
- ✓ Retain those copies in the case file for future rapid access and reference; **and**
- ✓ Provide that **PII documentation** with the **reportable order in response to any DPS or FBI Audit, in compliance with [Gov't Code Sec. 411.0521\(b\) and \(c-1\)](#)**



RECORD RETENTION - BEST PRACTICE

A recommended **best practice**:

- ✓ Maintain the NICS mental health related records in the case file **and separately from other records for rapid access**. *(Especially helpful now that these records are retained beyond expunction.)*
- ❖ This will assist in responding timely to the FBI requests for additional or clarifying information during a background check.
- ❖ Also, maintain a copy of any Coversheet or Party Record information with the required ***PII** identifiers for responding to FBI Audits.

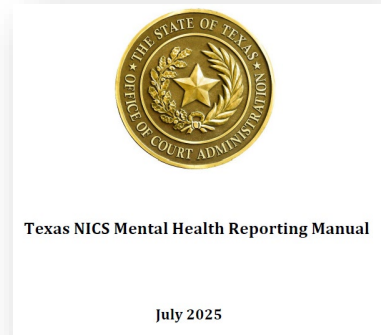


RESOURCES

Office of Court Administration

Texas NICS Mental Health Reporting Manual

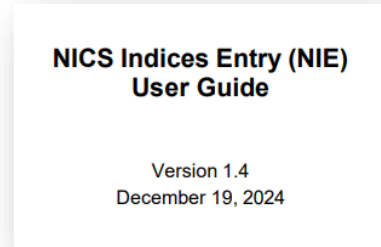
<https://www.txcourts.gov/publications-training/training-materials/mental-health/>



Texas Department of Public Safety

The DPS Reporting Manuals are online here:

<https://www.dps.texas.gov/section/crime-records/texas-nics-indices-entry-reporting>



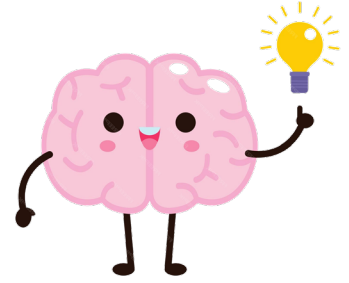
For NICS Reporting questions and record validation, contact your CHR Trainer directly or the CHR Training Unit to ask for your CHR Trainer contact info:

CHR.Training@dps.texas.gov

Phone Number: 512-424-2478



CONTACT INFORMATION



- For questions about what type of cases to report, contact

Court Services, Texas Office of Court Administration

CourtServices@txcourts.gov

512-463-1625

- For questions about EDR Site (NICS/CJIS) access and court ORIs, contact the Department of Public Safety — EDR Site:

GRP_CJIS_SITE@dps.texas.gov

