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 SENATE OF THE UNITED STATES

Mr. TOOMEY (for himself, Mr. COONS, Mr. RUBIO, Mr. NELSON, Mr. CORNYN, Ms. DUCKWORTH, Mr. GRAHAM, and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on ________

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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “NICS Denial Notification
Act of 2018”.

SEC. 2. REPORTING OF BACKGROUND CHECK DENIALS.

(a) In general.—Chapter 44 of title 18, United
States Code, is amended by inserting after section 925A
the following:

§ 925B. Reporting of background check denials to
State authorities

“(a) In general.—If the national instant criminal
background check system established under section 103
of the Brady Handgun Violence Prevention Act (34 U.S.C.
40901) (commonly referred to as ‘NICS’) provides a no-
tice pursuant to section 922(t) of this title that the receipt
of a firearm by a person would violate subsection (g) or
(n) of section 922 of this title or State law, the Attorney
General shall, in accordance with subsection (b) of this
section—

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

“(A) that the notice was provided;
"(B) the specific provision of law that would have been violated;

"(C) the date and time the notice was provided;

"(D) the location where the firearm was sought to be acquired; and

"(E) the identity of the person; and

"(2) where practicable, report the incident to
local law enforcement authorities and State and local
prosecutors in the jurisdiction where the firearm was
sought and in the jurisdiction where the person resides.

"(b) REQUIREMENTS FOR REPORT.—A report is
made in accordance with this subsection if the report is
made within 24 hours after the provision of the notice de-
scribed in subsection (a), except that the making of the
report may be delayed for so long as is necessary to avoid
compromising an ongoing investigation.

"(c) AMENDMENT OF REPORT.—If a report is made
in accordance with this subsection and, after such report
is made, the Federal Bureau of Investigation or the Bu-
reau of Alcohol, Tobacco, Firearms, and Explosives deter-
mines that the receipt of a firearm by a person for whom
the report was made would not violate subsection (g) or
(n) of section 922 of this title or State law, the Attorney
1 General shall, in accordance with subsection (b), notify
2 any law enforcement authority and any prosecutor to
3 whom the report was made of that determination.
4 “(d) RULE OF CONSTRUCTION.—Nothing in sub-
5 section (a) shall be construed to require a report with re-
6 spect to a person to be made to the same State authorities
7 that originally issued the notice with respect to the per-
8 son.”.
9 (b) CLERICAL AMENDMENT.—The table of sections
10 for such chapter is amended by inserting after the item
11 relating to section 925A the following:
12 “925B. Reporting of background check denials to State authorities.”.

SEC. 3. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Chapter 44 of title 18, United
14 States Code, as amended by section 2(a) of this Act, is
15 amended by inserting after section 925B the following:
16 “§ 925C. Annual report to Congress
17 “Not later than 1 year after the date of enactment
18 of this section, and annually thereafter, the Attorney Gen-
19 eral shall submit to Congress a report detailing the fol-
20 lowing, broken down by Federal judicial district:
21 “(1) With respect to each category of persons
22 prohibited by subsection (g) or (n) of section 922 of
23 this title or State law from receiving or possessing
24 a firearm who are so denied a firearm—
25 “(A) the number of denials;
(B) the number of denials referred to the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(C) the number of denials for which the Bureau of Alcohol, Tobacco, Firearms, and Explosives determines that the person denied was not prohibited by subsection (g) or (n) of section 922 of this title or State law from receiving or possessing a firearm;

(D) the number of denials overturned through the national instant criminal background check system appeals process and the reasons for overturning the denials;

(E) the number of denials with respect to which an investigation was opened by a field division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(F) the number of persons charged with a Federal criminal offense in connection with a denial; and

(G) the number of convictions obtained by Federal authorities in connection with a denial.

(2) The number of background check notices reported to State authorities pursuant to section
925B (including the number of the notices that
would have been so reported but for section
925B(c)).”.

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

“925C. Annual report to Congress.”.