Statute 69-2409.01 - 2015 Report
Number of Nebraska Mental Health Commitment Records Submitted to National Instant Criminal Background Check System

Status Report December 2015

Department of Health and Human Services
Division of Behavioral Health
Community Service Section
and Nebraska State Patrol
December 2015

Introduction:

LB 1055 in 1996 instructed the then Department of Public Institutions to supply to the State Patrol, upon request, identifying information so that the Nebraska State Patrol could comply with the provisions of the The Brady Handgun Violence Prevention Act (Pub.L. 103–159, 107 Stat. 1536; (18 U.S.C. 921 and 922)). Provisions of Nebraska Revised Statute §69-2409.01 limited the information supplied to whether an individual is disqualified from purchasing or possessing a handgun pursuant to law. In late 1998, the Department launched a data repository consisting of paper reports mailed to the Department by district court clerks. Those records were shared via spreadsheet with the Patrol on a monthly basis so the Patrol could update the Mental Health file used to review firearm permit application within Nebraska. A second reporting system also populated the Mental Health file at the Patrol. That reporting consisted of a listing of admissions to the state psychiatric hospitals who met certain admission standards. The two sets of information were combined by the State Patrol to create a Mental Health file against which firearm permit requests could be checked. This Mental Health file was used exclusively in Nebraska, to determine persons disqualified for permits under the Brady Handgun Act and state statutes.

In 2009, the development of an automated internet based reporting system usable by the district court clerks was initiated. In early 2012, through the combined efforts of the Nebraska State Patrol, the Nebraska Office of the Chief Information Officer, and Division of Behavioral Health of the Department of Health and Human Services, planning and implementation of the Electronic Commitment Reporting Application (ECRA) became a reality. The first electronic records for mental health commitments by mental health commitment boards were initiated in November 2012. In April of 2014, records of individuals admitted to the Lincoln, Hastings and Norfolk regional centers who met certain conditions for admission were added to the database. With these efforts prohibitor 18 U.S.C. 922 (g) (4) – “Has been adjudicated as a mental defective or has been committed to a mental institution” is substantially fulfilled. Through the combined efforts of the agencies and funds from the National Instant Criminal Background Check System Act Record Improvement Program (NARIP) grant, Nebraska mental health, commitment information began to be reported to federal level in late 2013 and continues today. Mental health board commitments and regional center admissions (committed by mental health boards, found not guilty by reason of insanity or incompetent to stand trial) are continuously reported and incomplete records continued to be researched and completed.

This report will summarize the number of records submitted, the disposition of those records and answer questions from the Legislature expressed in LB 699 and codified in statute 69-2409.01 section (5).

Nebraska Mental Health Commitment Records
Reported to
National Instant Criminal Background Check System
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Nebraska State Statute Section 69-2409.01 requires the Department of Health and Human Services and Nebraska State Patrol to report to the Legislature on Mental Health Commitment activities of the State.

69-2409.01 (5) The Nebraska State Patrol and the Department of Health and Human Services shall report electronically to the Clerk of the Legislature on a biannual basis the following information about the data base (Mental Health Commitments):

(a) the number of total records of persons unable to purchase or possess firearms because of disqualification or disability shared with the National Instant Criminal Background Check System;

(b) The number of shared records by category of such persons;

(c) The change in number of total shared records and change in number of records by category from the previous six months;

(d) The number of records existing but not able to be shared with the National Instant Criminal Background Check System because the record was incomplete and unable to be accepted by the National Instant Criminal Background Check System; and

(e) The number of hours or days, if any, during which the data base was unable to share records with the National Instant Criminal Background Check System and the reason for such inability.

Summary Table for Legislative Question s:

	Previous Reporting Period		*Current Reporting Period*	
Legislative Request As of:	June 2014*	December 2014	June 2015	December 2015
(a)* – Total Shared Records	25,043	26,147	27,100	27,823
(b-1) – From Commitment Boards	11,838	12,867	13,779	14,430
(b-2) – From Regional Centers	13,205	13,280	13,321	13,393
(c) – Change in Total	25,043	1,104	953	723
(c-1) – From Commitment Boards	11,838	1,029	912	651
(c-2) – From Regional Centers	13,205	75	41	72
(d) – Incomplete	850**	400**	120**	102**
(e) – Hours Inoperable	0	0	0	0

Source: Department of Health and Human Services - December 2015.
*(a) in current report updated to reflect only those effectively shared with National Instant Criminal Background Check System; original June 2014 report included all attempted to be shared; however, incompletes had been rejected. Incompletes reported in (d).
**Social Security Number or Date of Birth required and is currently missing or invalid.
The report shall also be published on the web sites of the Nebraska State Patrol and the Department of Health and Human Services. Available at: http://dhhs.ne.gov/behavioral_health/Pages/beh_reports.aspx
http://statepatrol.nebraska.gov/ConcealedCarry.aspx