



WHAT IS MY ROLE IN A  
FIREARM  
BACKGROUND CHECK?

Law  
Enforcement

Court

Attorney/  
Prosecutor



# CONCEALED FIREARM PERMITS VS FIREARM PURCHASES

## Brady- Firearm Purchases

- Fee associated with each firearm purchase
- Fee waived with valid CFP

# **CONCEALED FIREARM PERMITS VS FIREARM PURCHASES**

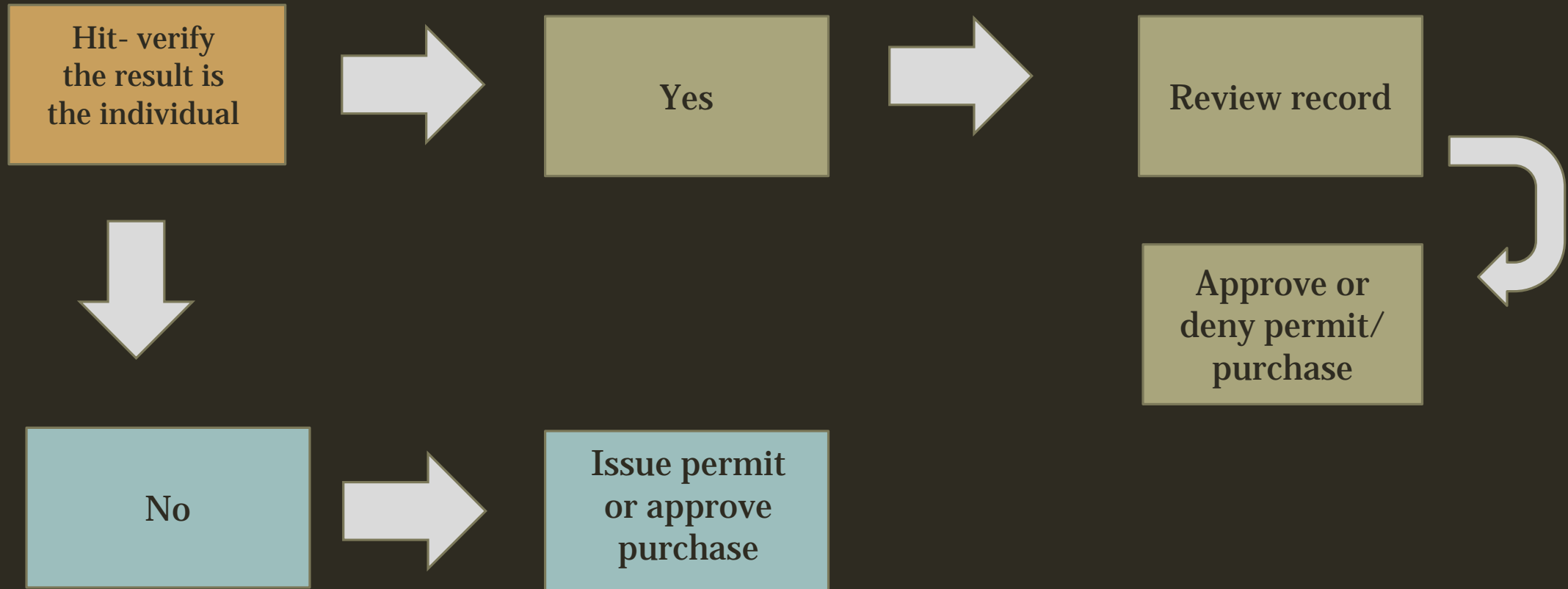
## **Concealed Firearm Permits**

- Fee for initial and subsequent renewal
- Continuous background check done on holders
- Permit can be revoked or suspended anytime
- Disqualifying criteria is more strict

# WHAT IS CHECKED?

- Utah Criminal History (UCH)
- National Crime Information Center (NCIC)
- Interstate Identification Index (III)
- Drivers license information
- Statewide Warrants
- Juvenile files
- Mental files
- NICS index
- Immigration and Naturalization Service (when applicable)

# WHAT HAPPENS IF THERE IS A HIT ON THE BACKGROUND CHECK?



DISQUALIFIERS |

# **NON-CONTRIBUTING DISQUALIFIERS**

- Renounced citizenship of the U.S.
- Illegally in the U.S.
- Dishonorably discharged

**Brady and Firearms both deny**



# UTAH RESIDENCY

Cannot purchase without proof of  
Utah residency

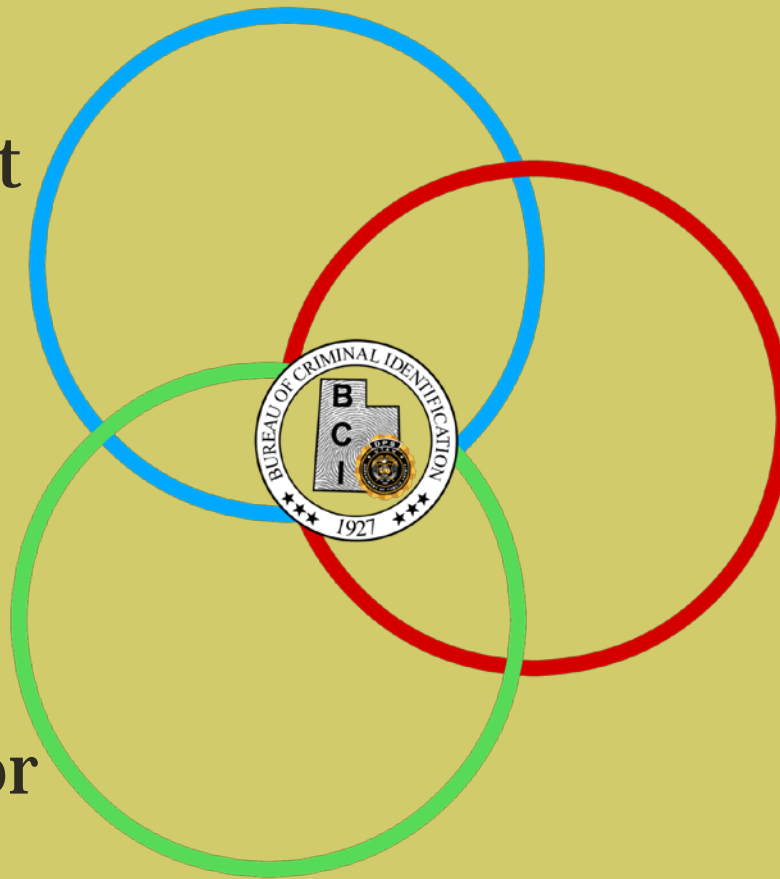
Brady can refuse background check for purchase

FELONY CONVICTION  
OR PENDING FELONY |

# FELONIES

Brady and Firearms both  
deny

Law  
Enforcement



Courts

Attorney/Prosecutor

# YOUR ROLE |

# LAW ENFORCEMENT OFFICERS ROLE

- Quality prints taken
- Prints/citation in to BCI immediately
- Is the record packed?
- Entry onto NCIC- if needed

# **ATTORNEY/PROSECUTOR ROLE**

- Were the charges screened and in a timely manner?
- If no charges filed- declination sent to BCI?
- Do the charges sent to the court match your charging documents?

# COURTS ROLE

- Are dispositions getting sent over to BCI?
- Are they stuck in suspense?
- Are they being updated as the case continues?
- Are the records complete/ “packed?”

CONVICTED OF A  
MISDEMEANOR |  
CRIME OF DV

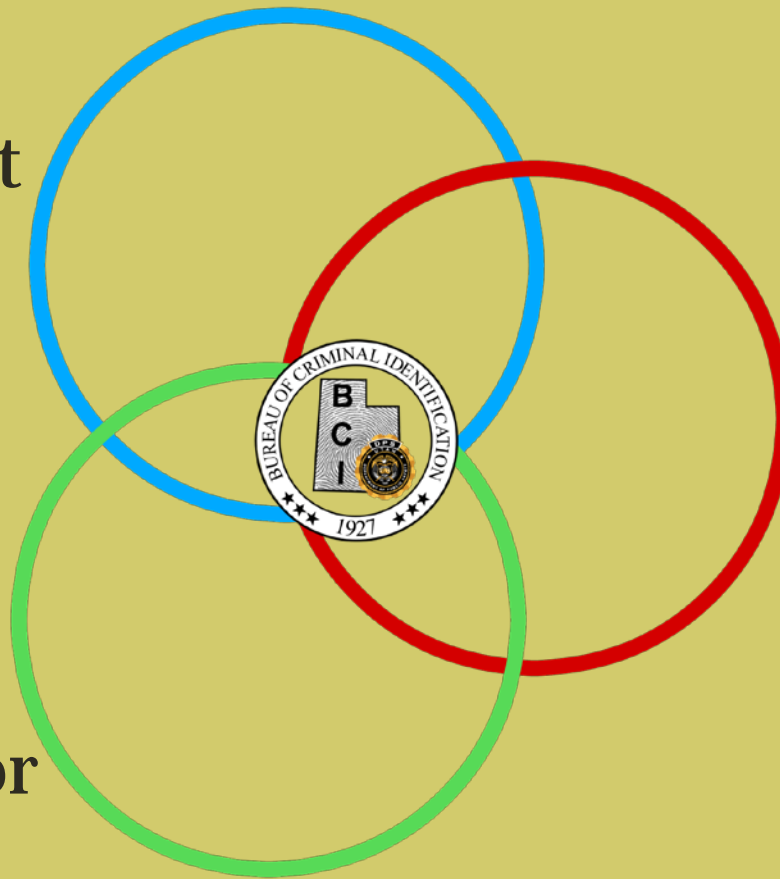


# **DOMESTIC VIOLENCE**

- Known as MCDV
- Contact Brady with related questions

**Brady and Firearms both deny**

Law  
Enforcement



Courts

Attorney/Prosecutor

# YOUR ROLE |

# **LAW ENFORCEMENT OFFICERS ROLE**

- Quality prints taken
- Prints/citation in to BCI immediately
- Is the record packed? Needs to have information about the DV aspect
- Entry onto NCIC- if needed

# **ATTORNEY/PROSECUTOR ROLE**

- Were the charges screened and in a timely manner?
- If no charges filed- declination sent to BCI?
- Do you have the domestic violence aspect in your charging dockets?

# COURTS ROLE

- Are dispositions getting sent over to BCI?
- Are they stuck in suspense?
- Are they being updated as the case continues?
- Are the records complete/ “packed?”
- Are the flags updated or triggered?

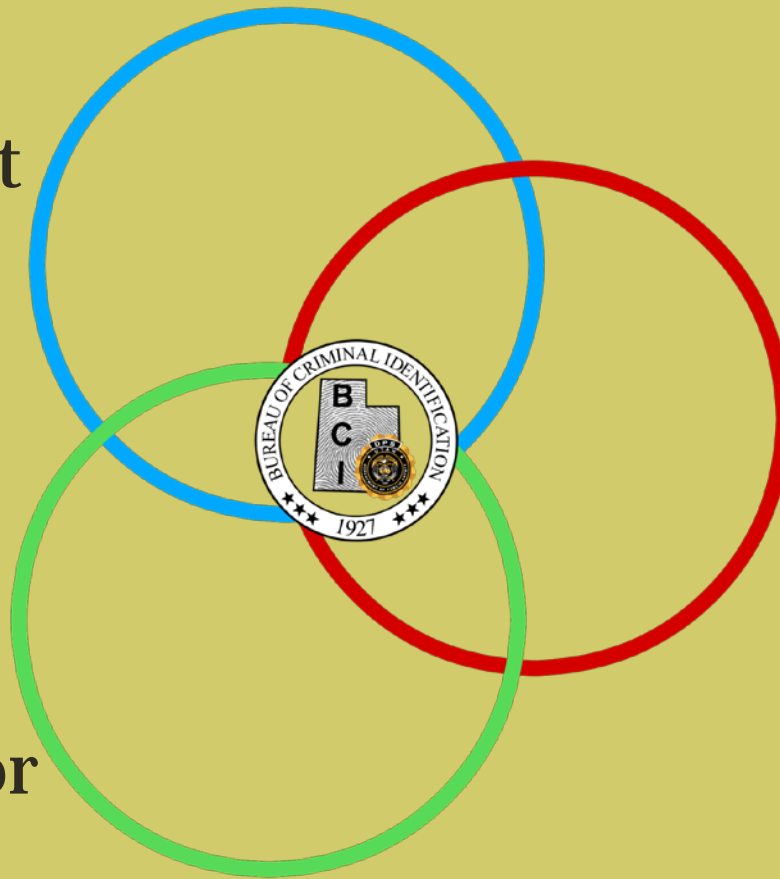
# PROTECTIVE ORDERS

# | PO'S

- PO's are not always disqualifying
- If a PO that is not DV related has weapon prohibitions- it is a disqualifier

**Brady and Firearms both deny**

Law  
Enforcement



Courts

Attorney/Prosecutor

# YOUR ROLE |



# COURTS ROLE

- Are PO's being added SWW?
- Are they being updated as the case continues?
- Are the PO's complete/ "packed?"
- Are the flags/cautions updated or triggered?
- Did we leave any conditions blank?

Utah Protective Order Query Results  
Created by wthomsen on 07/19/2018 08:52:13

| Last Name | First Name | Middle | DOB        | Type | Index  |
|-----------|------------|--------|------------|------|--------|
| SMITH     | JOHN       |        | 07-25-1982 | PR   | 404668 |
| SMITH     | JOHN       |        |            | PR   | 8253   |
| SMITH     | JOHN       |        |            | PR   | 171838 |
| SMITH     | JOHN       |        | 09-03-1953 | PR   | 224953 |
| SMITH     | JOHN       |        | 12-02-1973 | PO   | 221865 |
| SMITH     | JOHN       |        | 05-04-1953 | PR   | 118635 |
| SMITH     | JOHN       |        |            | PO   | 165185 |
| SMITH     | JOHN       |        |            | PO   | 165969 |
| SMITH     | JOHN       |        |            | PO   | 37004  |
| SMITH     | JOHN       |        |            | PR   | 64707  |
| SMITH     | JOHN       |        | 09-03-1953 | PR   | 8253   |
| SMITH     | JOHN       |        | 09-03-1953 | PR   | 171838 |
| SMITH     | JOHN       |        |            | PR   | 224953 |
| SMITH     | JOHN       |        |            | PO   | 221865 |
| SMITH     | JOHN       |        | 05-04-1953 | PR   | 118635 |
| SMITH     | JOHNATHAN  |        |            | PO   | 33050  |

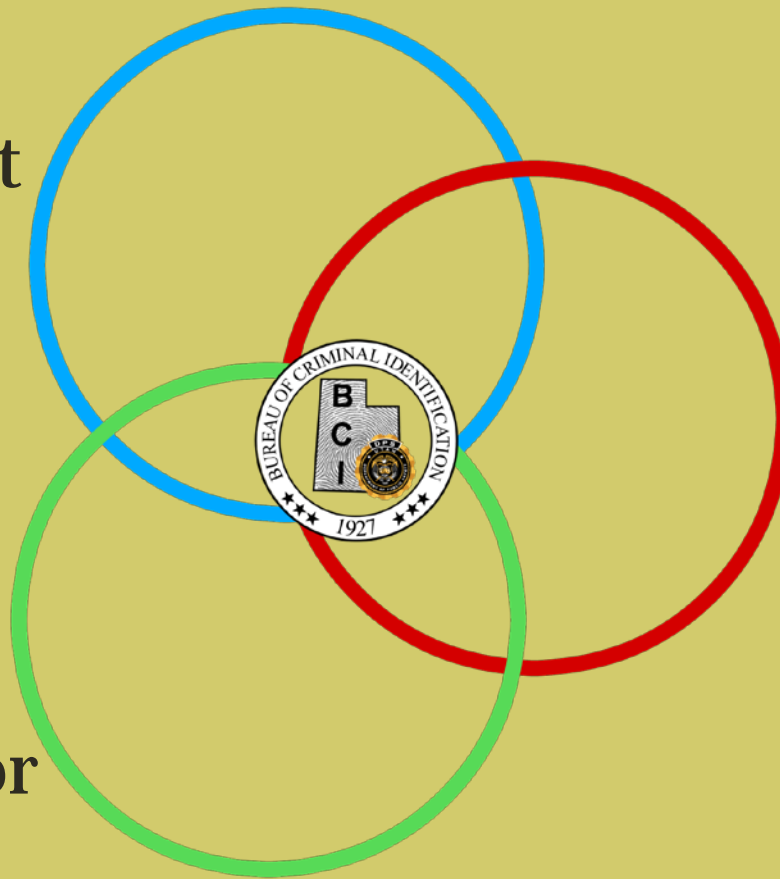
WARRANTS |

# WARRANTS

- A NICS hit is an automatic disqualifier
- Don't deny on NCIC or SWW warrants

**Brady and Firearms both deny**

Law  
Enforcement



Courts

Attorney/Prosecutor

# YOUR ROLE |

# **LAW ENFORCEMENT OFFICERS ROLE**

- Is the NCIC entry packed with all available information?
  - What resources are available to pack wanted persons entry?
- Has the entry been validated?

# COURTS ROLE

- Are warrants added to SWW?
- Are they being updated as the case continues?
- Are the warrants complete/“packed?”
- Are the flags/cautions listed?

**MENTAL FILES** |



# MENTAL FILES

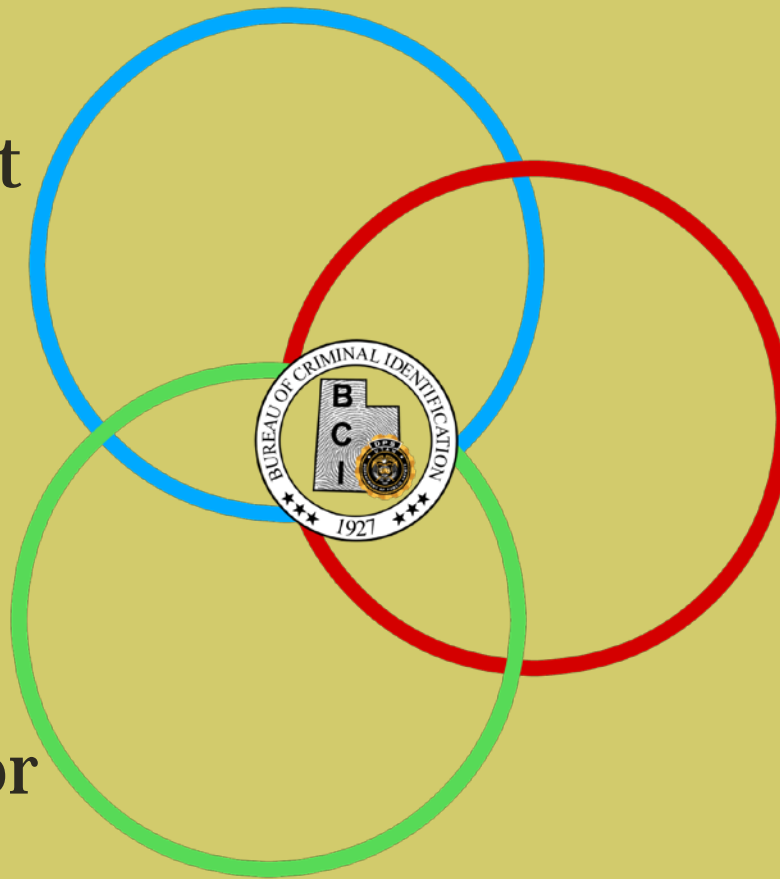
- Adjudicated mentally defective by a court or judge
- Involuntarily committed to a mental institution

**Brady and Firearms both deny**

# CAUTION LOG

- Your agency can add someone if they are about:
  - threats, suicide attempts, etc
- Name and date of birth are required
- Brady can hold the release for 72 hours while they notify you of the attempt to purchase

Law  
Enforcement



Courts

Attorney/Prosecutor

# YOUR ROLE |

# COURTS ROLE

- Are you creating the mental record?
- Are the records complete/  
“packed?”

**Mental File Gun Check Inquiry Results**  
Created by wthomsen on 09/21/2018 07:33:14

| Last Name | First Name | Middle | DOB | Court ORI | Case Number |
|-----------|------------|--------|-----|-----------|-------------|
| JOHNSON   | JOHNNY     | LEE    |     | UT018035J | 017900363   |
| JOHNSON   | JOHNNY     |        |     | UT018035J | 017900155   |
| JOHNSON   | JOHNNY     |        |     | UT018035J | 027900427   |

# USE OF A CONTROLLED SUBSTANCE |

# DRUGS

## Brady

- Deny for one year if:
  - Admitted to use
  - Tested positive to a controlled substance
  - Caught with controlled substance
  - That year starts over from the last action of the court case.

# DRUGS

## Concealed Firearms

- Deny based on class of conviction:
  - Misdemeanor A- 5 years
  - Misdemeanor B- 4 years
  - Misdemeanor C- 3 years



# **LAW ENFORCEMENT OFFICERS ROLE**

- Quality prints taken
- Prints/citation in to BCI immediately
- Is the record packed?
- Entered in NICS index deniable offense

# ATTORNEY/PROSECUTOR ROLE

- Were the charges screened and in a timely manner?
- If no charges filed- declination sent to BCI?
- Do the charges match your charging documents?

# COURTS ROLE

- Are dispositions getting sent over to BCI?
- Are they stuck in suspense?
- Are they being updated as the case continues?
  - Inputting any drug testing results into the court docket
- Are the records complete/ “packed?”

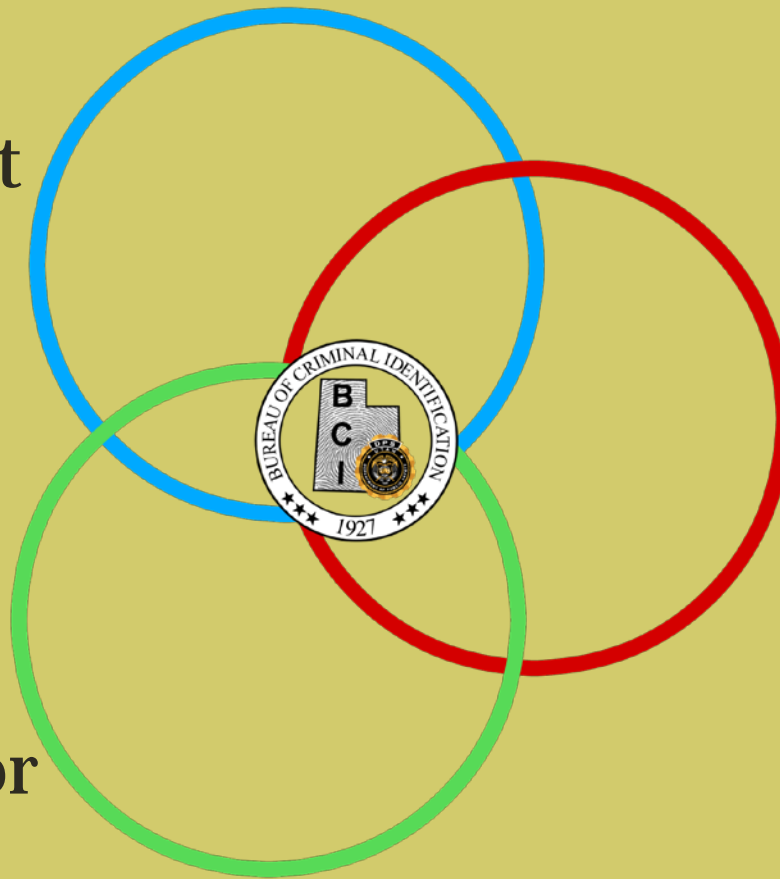
# JUVENILE FELONIES

# JUVENILE FELONIES

- Non-violent felonies: denied for 7 years
- Violent felonies: denied for 10 years

**Brady and Firearms both deny**

Law  
Enforcement



Courts

Attorney/Prosecutor

# YOUR ROLE |

# LAW ENFORCEMENT OFFICERS ROLE

- Quality prints taken
- Prints/citation in to your department
- Prints to juvenile court in a timely manner
- Is the record packed?

# **ATTORNEY/PROSECUTOR ROLE**

- Were the charges screened and in a timely manner?
- If no charges filed- declination sent to juvenile court?
- If so- were the Do the charges sent match your charging documents?



# COURTS ROLE

- Are court dockets being updated as the case continues?
- Are the records complete/“packed?”

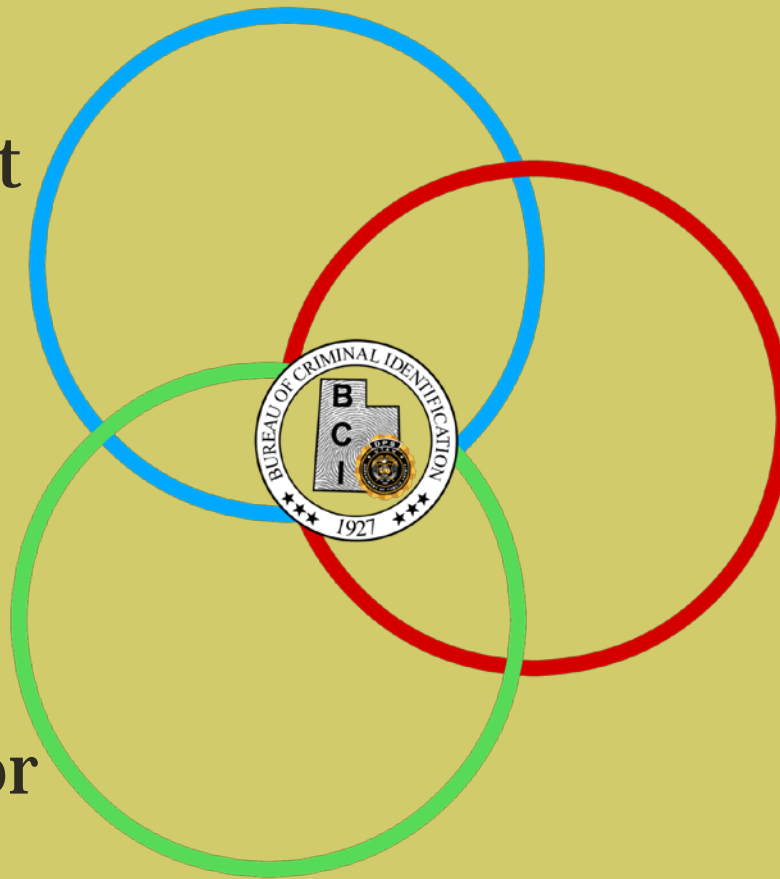
CONVICTED OF AN  
ALCOHOL OFFENSE

# ALCOHOL OFFENSE

- Denied for DUI's or impaired driving depending on conviction class:
  - Misdemeanor A- 5 years
  - Misdemeanor B- 4 years
  - Misdemeanor C- 3 years

**Only Concealed Firearms denials**

Law  
Enforcement



Courts

Attorney/Prosecutor

# YOUR ROLE |

# **LAW ENFORCEMENT OFFICERS ROLE**

- Quality prints taken
- Prints/citation in to BCI immediately
- Is the record packed?

# **ATTORNEY/PROSECUTOR ROLE**

- Were the charges screened and in a timely manner?
- If no charges filed- declination sent to BCI?
- If so- were charging dockets sent to BCI?
- Do the charges sent to BCI match your charging documents?

# COURTS ROLE

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CONVICTION OF MORAL  
TURPITUDE



# **MORAL TURPITUDE**

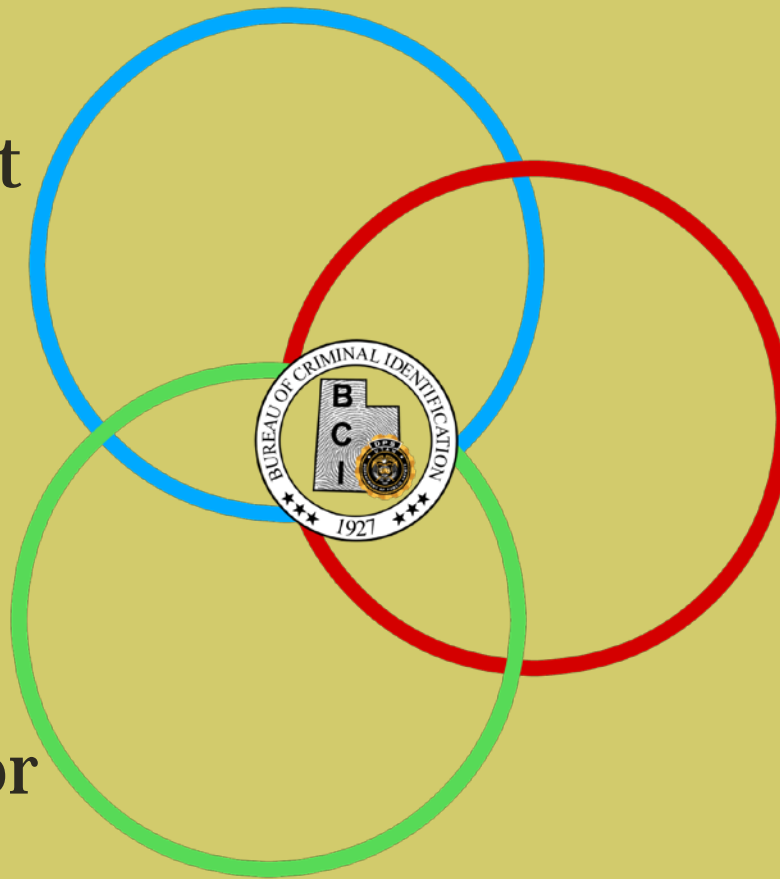
- Denial time frame depends on the class of the conviction
- Misdemeanor A- 5 years
- Misdemeanor B- 4 years
- Misdemeanor C- 3 years

**Only Concealed Firearms denials**

# MORAL TURPITUDE

- Theft
- Fraud
- Tax evasion
- Issuing bad checks
- Robbery
- Interference with police
- Fleeing, resisting, or failure to obey police
- Obstruction of justice
- Bribery
- Perjury
- Extortion
- Arson
- Forgery
- Wildlife violations involving weapons
- Receiving stolen property
- Firearms violations
- burglary
- Vandalism
- Kidnapping
- Crimes involving unlawful sexual conduct
- Violations of the pornographic and harmful materials and performances act
- Falsifying govt.

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**DANGER TO SELF  
OR OTHERS** |

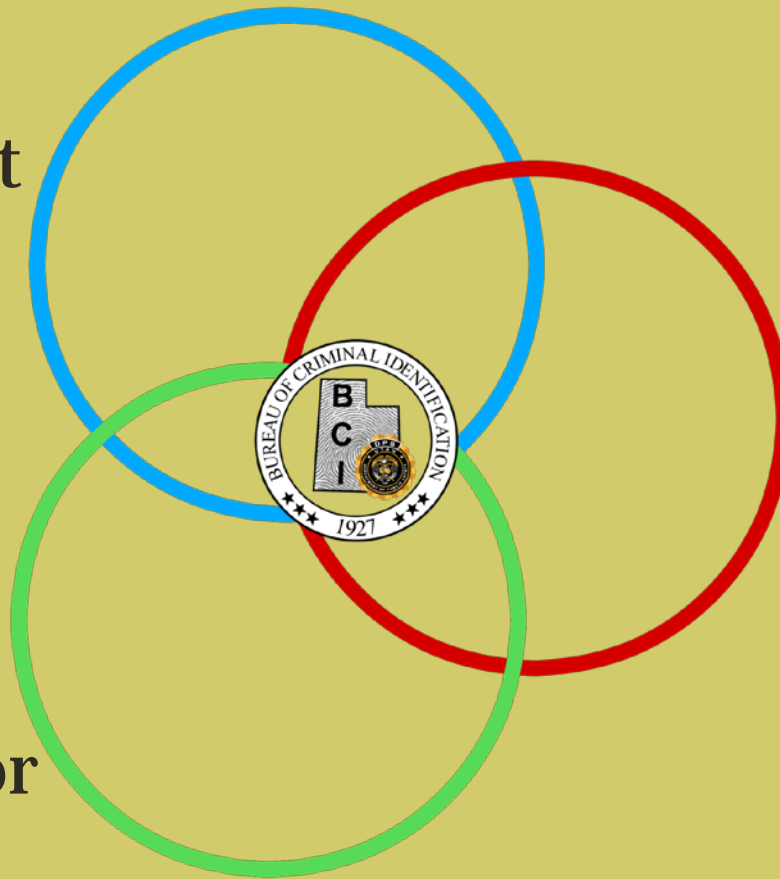
# DANGER TO SELF OR OTHERS

- BCI needs a copy of a police report or pink slip
- Suicidal threats, threats against others present
- Complaint needs to come in from law enforcement and only if the individual has a CFP

**Only Concealed Firearms suspends/revokes**



Law  
Enforcement



Courts

Attorney/Prosecutor

# YOUR ROLE |

# **LAW ENFORCEMENT OFFICERS ROLE**

- Pack your report for your agency
- If the individual has a CFP- send in the police report or pink slip to:

**BCI- Investigators**

**3888 W 5400 S**

**Taylorsville UT 84129**

# | ARE WE.....

- Packing our records?
- Sending all disposition information into BCI and keeping our court dockets up to date?
- Making sure dispositions are not getting stuck in suspense?