

**[DISCUSSION DRAFT]**

115TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To condition a State’s eligibility for grants under the National Criminal History Improvement Program on compliance with certain requirements relating to increasing reporting of domestic violence records, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. COSTELLO (for himself and Miss RICE of New York) introduced the following bill; which was referred to the Committee on

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**A BILL**

To condition a State’s eligibility for grants under the National Criminal History Improvement Program on compliance with certain requirements relating to increasing reporting of domestic violence records, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Domestic Violence  
5 Records Reporting Improvement Act of 2017”.

1 **SEC. 2. RESTRICTION ON NCHIP GRANTS.**

2 Section 102 of the Crime Identification Technology  
3 Act of 1998 (34 U.S.C. 40301) is amended by adding at  
4 the end the following:

5 “(g)(1) NATIONAL INSTANT CRIMINAL BACKGROUND  
6 CHECK SYSTEM.—For purposes of this subsection, the  
7 term ‘National Instant Criminal Background Check Sys-  
8 tem’ means the National Instant Criminal Background  
9 Check System established under section 103(b) of the  
10 Brady Handgun Violence Prevention Act (18 U.S.C. 922  
11 note) for firearms eligibility determinations.

12 “(2) DOMESTIC VIOLENCE RECORD DEFINED.—For  
13 purposes of paragraph (3), a domestic violence record is  
14 the following:

15 “(A) A record that identifies a person who is  
16 subject to a court order described in section  
17 922(g)(8) of title 18, United States Code.

18 “(B) A record that identifies a person who was  
19 convicted in any court of a misdemeanor crime of  
20 domestic violence, as defined in section 921(a)(33)  
21 of title 18, United States Code, during the 5 years  
22 preceding the date of enactment of this subsection.

23 “(3) REPORT TO CONGRESS.—Not later than Janu-  
24 ary 31 of each year, the Attorney General shall submit  
25 to the Committee on the Judiciary of the House of Rep-  
26 resentatives and the Committee on the Judiciary of the

1 Senate a report identifying the percentage of records de-  
2 scribed in paragraph (2) from each State that are acces-  
3 sible through the National Instant Criminal Background  
4 Check System.

5 “(4) METHODOLOGY.—The method established to  
6 calculate the number of records identified in paragraph  
7 (2) accessible through the National Instant Criminal  
8 Background Check System, as set forth in paragraph (2)  
9 and State compliance with the required level of reporting  
10 under paragraph (6), shall be determined by the Attorney  
11 General, after consultation with the States, in accordance  
12 with the following:

13 “(A) A record of an individual convicted of a  
14 misdemeanor crime of domestic violence shall be  
15 counted as accessible through the National Instant  
16 Criminal Background Check System if a record  
17 identifying the individual has been submitted to the  
18 NICS Index or a record identifies the individual in  
19 the Interstate Identification Index and the record in  
20 the Interstate Identification Index either complies  
21 with paragraph (c)(2) of section 102 of the NICS  
22 Amendment Improvements Act of 2007 (34 U.S.C.  
23 40912), or otherwise clearly indicates that the per-  
24 son is ineligible to purchase or possess firearms as  
25 a result of the conviction.

1           “(B) A record of an individual subject to a  
2           court order described in section 922(g)(8) of title  
3           18, United States Code shall be counted as acces-  
4           sible through the National Instant Criminal Back-  
5           ground Check System if either a record identifying  
6           the individual has been submitted to the NICS  
7           Index, or the individual is identified in the Protec-  
8           tion Order File of the National Crime Information  
9           Center and the record in the Protection Order File  
10          of the National Crime Information Center clearly in-  
11          dicates that the person is ineligible to purchase or  
12          possess firearms as a result of the court order.

13          “(5) GRANT ELIGIBILITY.—Starting in each year as  
14          stated below, a State shall not be eligible for a grant under  
15          this section for purposes that do not contribute to the ac-  
16          cessibility of the records described in paragraph (2)  
17          through the National Instant Criminal Background Check  
18          System, unless at least the following percentage of such  
19          records from that state are accessible through the Na-  
20          tional Instant Criminal Background Check System, as de-  
21          termined by the Attorney General in accordance with  
22          paragraph (4):

23                  “(A) 30 percent of such records, starting 2021;

24                  “(B) 50 percent of such records, starting 2023;

25                  and

1           “(C) 70 percent of such records, starting 2025.

2           “(6) REALLOCATION.—Any funds that are not allo-  
3 cated to a State because of the failure of the State to com-  
4 ply with the requirements of this subsection shall be reallo-  
5 cated to States that meet such requirements.”.

6 **SEC. 3 NARIP FUNDING FOR DOMESTIC VIOLENCE RE-**  
7 **PORTING.**

8           (a) IMPLEMENTATION ASSISTANCE TO STATES.—  
9 Section 103(c) of the NICS Improvement Amendments  
10 Act of 2007 (34 U.S.C. 40913) is amended—

11           (1) by inserting “(1)” after “(c)”; and

12           (2) by adding at the end, the following:

13           “(2) The Attorney General shall waive the re-  
14 quirement of a relief from disabilities program for  
15 any state to receive a grant under this section if the  
16 primary purpose of the grant is to improve the ac-  
17 cessibility through the National Instant Criminal  
18 Background Check System of the records identified  
19 in subsection (g)(3) of section 102 of the Crime  
20 Identification Technology Act of 1998 (34 U.S.C.  
21 40301).”.

22           (b) DISPOSITION RECORDS AUTOMATION AND  
23 TRANSMITTAL IMPROVEMENT GRANTS.—Section 301(d)  
24 of the NICS Improvement Amendments Act of 2007 (34  
25 U.S.C. 40941) is amended—

1 (1) by inserting “(1)” after “(d)”; and

2 (2) by adding at the end, the following:

3 “(2) The Attorney General shall waive the re-  
4 quirement of a relief from disabilities program for  
5 any State to receive a grant under this section if the  
6 primary purpose of the grant is to improve the ac-  
7 cessibility through the National Instant Criminal  
8 Background Check System of the records identified  
9 in subsection (g)(3) of section 102 of the Crime  
10 Identification Technology Act of 1998 (34 U.S.C.  
11 40301).”.