







FBI/NICS Requests Reference Guide for Court Clerks

Reminder: The FBI is contacting the court while conducting a background check for an attempted firearm purchase. The FBI is looking for dispositions on cases that may be firearm prohibitors. Please refer to *Types of Case the Administrative Office of the Courts Reports to the FBI (NICS)* and this document for guidance on how to respond to these requests.

For additional guidance/information, please contact the AOC's NICS Support Services at NICScourt@nmcourts.gov

Case Type	Documentation	Disclose to FBI?	Sample language
CRIMINAL			
Felony (CR & FR)	<input checked="" type="checkbox"/> Judgement & Sentence <input checked="" type="checkbox"/> Warrant – if no disposition on the case due to a warrant being issued.	Yes	▶ Attached is the {document name} for {defendant} in {case number}. ▶ Attached is the warrant in {case number} for {defendant}.
Misdemeanor	<input checked="" type="checkbox"/> Judgement & Sentence <input checked="" type="checkbox"/> Warrant – if no disposition on the case due to a warrant being issued.	Yes	▶ Attached is the {document name} for {defendant} in {case number}. ▶ Attached is the warrant in {case number} for {defendant}.
Incompetent to Stand Trial	<input checked="" type="checkbox"/> Dismissal Order only.  DO NOT provide medical records or diagnosis information to the FBI.	Yes	▶ Attached is the Order of Dismissal issued on {date} in {case number}. The charges against {defendant name} were dismissed due to lack of competency.
Juvenile	Please refer to “Juvenile” section in this document for additional guidance and information.		
MISDEMEANOR CRIME OF DOMESTIC VIOLENCE (MCDV)			
Felony (CR & FR)	<input checked="" type="checkbox"/> Judgement & Sentence <input checked="" type="checkbox"/> Warrant – if no disposition on the case due to a warrant being issued.	Yes	▶ Attached is the {document name} for {defendant} in {case number}. ▶ Attached is the warrant in {case number} for {defendant}.
Misdemeanor	<input checked="" type="checkbox"/> Judgement & Sentence <input checked="" type="checkbox"/> Warrant – if no disposition on the case due to a warrant being issued.	Yes	▶ Attached is the {document name} for {defendant} in {case number}. ▶ Attached is the warrant in {case number} for {defendant}.

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MENTAL HEALTH			
Involuntary commitment (Adult or juvenile)	<input checked="" type="checkbox"/> Order of Commitment.  Do not provide medical records or diagnosis information.	Yes	▶ Attached is the {document name} for {defendant} in {case number}.
Voluntary commitment (adult or juvenile)	 None. Not a firearm prohibitor. DO NOT provide information to FBI.	No	▶ There are no records responsive to your request.
Incompetent to Stand Trial (adult or juvenile)	<input checked="" type="checkbox"/> Dismissal Order only.  DO NOT provide medical records or diagnosis information to the FBI.	Yes	▶ Attached is the Order of Dismissal issued on {date} in {case number}. The charges against {defendant name} were dismissed due to lack of competency.
ADULT GUARDIANSHIP/CONSERVATORSHIP			
Adult Guardianship & Conservatorship (PQ)	<input checked="" type="checkbox"/> Order appointing a permanent plenary (full) Guardian and/or Conservator.  DO NOT provide temporary or emergency Orders Appointing a Guardian and/or Conservator.  DO NOT provide medical records or diagnosis information to the FBI.	Yes	▶ Attached is the Order Appointing a full {guardian and/or conservator} for {name of the protected person}.
EXPUNGEMENT			
Petition for Expungement (not cannabis related)	<input checked="" type="checkbox"/> Can provide the FBI with the Judgment and Sentence for the <u>original charge</u> , which is now expunged. ① Expungement only removes the case from public view. The underlying criminal charge(s) still remains a conviction. ★ An Order of Expungement does not restore firearm rights.	Yes	▶ Attached is the {document name} for {defendant} in {case number}.

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Expungement – Cannabis (§29-3A-8 NMSA 1978)	<input checked="" type="checkbox"/> DO NOT provide the Judgement & Sentence for the original charge OR any information on the expungement case to the FBI. <input checked="" type="checkbox"/> This automatic expungement process is only used for drug offenses. This type of expungement permanently removes the defendant’s criminal conviction. If the conviction was for a felony offense, the defendant’s firearm rights are also restored. <input checked="" type="checkbox"/> If partial expungement is granted, can report the non-drug criminal offenses to the FBI.	<p style="text-align: center;">No – cannabis charges</p> <p style="text-align: center;">Yes – if other crimes, other than cannabis, were expunged</p>	<p>▶ There are no records responsive to your request.</p> <p>▶ Attached is the {document name} for {defendant} in {case number}.</p>
EXTREME RISK FIREARM PROTECTION ORDER (ERFPO)			
Extreme Risk Firearm Protection Order (FP)	<input checked="" type="checkbox"/> Order for a One-Year ERFPO	Yes	▶ Attached is the one-year Extreme Risk Firearm Protection Order issued against {respondent’s name}.
CIVIL			
Divorce (DM)	<input checked="" type="checkbox"/> None. Not a firearm prohibitor. DO NOT provide information to FBI.	No	▶ There are no records responsive to your request.
Child Custody	<input checked="" type="checkbox"/> None. Not a firearm prohibitor. DO NOT provide information to FBI.	No	▶ There are no records responsive to your request.
Kinship Guardianship	<input checked="" type="checkbox"/> None. Not a firearm prohibitor. DO NOT provide information to FBI.	No	▶ There are no records responsive to your request.
DWI			
Felony	<input checked="" type="checkbox"/> Judgement & Sentence <input checked="" type="checkbox"/> Warrant – if no disposition on the case due to a warrant being issued.	Yes	▶ Attached is the {document name} for {defendant} in {case number}.
Petty/Misdemeanor	<input checked="" type="checkbox"/> None. Not a firearm prohibitor. Exception: Warrant – if no disposition on the case due to a warrant being issued.	No	▶ There are no records responsive to your request.

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TRAFFIC			
Traffic (TR)	<input checked="" type="checkbox"/> None. Not a firearm prohibitor. Exception: Warrant – if no disposition on the case due to a warrant being issued.	No	▶ There are no records responsive to your request. ▶ Attached is the {warrant type} for {defendant} in {case number}.
Traffic (CR)	<input checked="" type="checkbox"/> None. Not a firearm prohibitor. Exception: Warrant – if no disposition on the case due to a warrant being issued.	No	▶ There are no records responsive to your request. ▶ Attached is the {warrant type} for {defendant} in {case number}.
EXTRADITIONS			
Extradition (EX)	<input checked="" type="checkbox"/> Order of Extradition	Yes	▶ Attached is the {document name} for {defendant} in {case number}.

Additional Use Notes

If the FBI requests additional information or copies of documents you may provide them, even if the chart above indicates the case/document is not a firearm prohibitor. The only exception is for Juvenile and Mental Health cases. If the FBI requests information on a juvenile or mental health case, please contact NICS Support Services.

Drug-related firearm prohibitors

The FBI may ask you to provide additional information regarding an individual’s drug use or whether the charge involves drugs. The FBI often asks whether a defendant was under the influence of drugs or alcohol. If the record is not clear whether the charge involves the use of drugs or alcohol, you should respond “Upon review of the court’s records we do not have any additional information responsive to your request”.