



**Dave Heineman**  
Governor

## STATE OF NEBRASKA

**NEBRASKA STATE PATROL**  
Colonel David A. Sankey  
Superintendent  
P.O. Box 94907  
Lincoln, Nebraska 68509-4907  
Phone: (402) 471-4545

December 5, 2014

**Patrick O'Donnell**  
Clerk of the Legislature  
State Capitol - Room 2018  
Lincoln, NE 68509

**RE: LB 699**

Dear Mr. O'Donnell:

Pursuant to LB 699, enclosed please find the 2014 Report for the Number of Mental Health Commitment Records Submitted to the National Instant Criminal Background Check System.

Please feel free to contact me if you have questions or you may contact Captain Sean Caradori, as he is our legislative liaison. He may be reached at telephone number (402) 471-4545 or by E-mail at [sean.caradori@nebraska.gov](mailto:sean.caradori@nebraska.gov) if you have any questions regarding this information.

Sincerely,

A handwritten signature in blue ink, appearing to read "David A. Sankey".

David A. Sankey, Colonel  
Superintendent of Law Enforcement and Public Safety

Enclosure

xc: Captain Sean Caradori  
Wendy Wussow, Agency Legal Counsel  
Filed electronically pursuant to LB782



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Statute 69-2409.01 - 2014 Report  
Number of Nebraska Mental Health Commitment Records  
Submitted to National Instant Criminal Background Check System

Status Report June 2014

Department of Health and Human Services  
Division of Behavioral Health  
Community Service Section  
and Nebraska State Patrol  
June 2014

Department of Health & Human Services



June 2014

## 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  
Status Report June 2014**

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 Questions:

Legislative Request	As of June 2014
(a) – Total Records	25,893
(b) – Shared Records	25,043
(b-1) – From Commitment Boards	11,838
(b-2) – From Regional Centers	13,205
(c) – Change	25,043
(d) – Incomplete	850*
(e) – Hours Inoperable	0

Source: Department of Health and Human Services - June 2014.

\*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://dhhs.ne.gov/behavioral_health/Pages/beh_reports.aspx)

<http://statepatrol.nebraska.gov/ConcealedCarry.aspx>