



## [SB 224](#) & [HB 763](#)



### PICS to NICS Firearms Background Check Improvement Legislation Issue Overview

Senator Camera Bartolotta, on January 26, 2017 introduced [SB 224](#) and Rep. Jason Ortity, on March 8, introduced [HB 763](#) for the Elimination of Pa Instant Check System (PICS) and use of the National Instant Check System (NICS) for the transfer of firearms.

This proposed legislation will eliminate the **registering** of gun owners (PICS), make us safer by fixing the antiquated criminal records and PFA records and putting more troopers on the street catching criminals, eliminate the ‘huge’ cost of having a duplicate, but inferior, of state administered system that the National Instant Check system does for 36 other states now with ‘none’ of the operational problems PICS forces gun owners and dealers to endure. PLUS PA citizens already fund the NICS system through Federal Taxes and then we ‘pay again’ to run the PA PICS system.

#### SOME of the essential benefits of migrating from PICS to NICS are synopsized below:

HB 763 will create a process to update and share older criminal records and PFA records with the NCIC/FBI system. These older criminal records amount to over 500,000 records missing from the national criminal index! For PFA’s there are over 20% of these critically important court orders missing from the NCIC/FBI system as well and responsibility for this can be laid at the feet of the PSP.

Another of the main problems with PICS is the long wait on hold 30 minutes plus, the frequent crashing of the PSP computers, especially on weekends and around the holidays. All of this costs the state and business lost revenue from lost sales. In a larger sense the Constitutional implications and concerns overshadow the operational ones. Operational delays and dysfunction ‘essentially’ **shut down the constitution** and we find this unconscionable. Dealers are also checking the NICS system when the state run PICS system is malfunctioning and finding that the state system is the only one inoperative.

Pennsylvania pays extra for the instant check – \$130,000,000 extra – a job that 36 states let NICS do for FREE. Perhaps this is why PICS has never issued a cost-benefit analysis. We also have concerns that the state run PICS system has not been, to our knowledge, audited by an independent entity to examine the operational as well as financial performance of this program.

The Pennsylvania Instant Check System (PICS) from 1998 to 2016 has cost the tax payers in excess of estimated \$130,000,000.00 dollars (yes, that IS ‘millions’) to administer to date for background checks for all firearm purchases. The federal NICS would do the same job at no additional cost to taxpayers. Part of the PICS cost is an average \$7 million a year for administrative costs to maintain the PICS (PA Instant Check System) including the, arguably, illegal ‘Record of Sale’ database (gun registry) system.

It would be more productive to use the millions of taxpayer dollars a year spent on the PICS duplicative system, which is forcing legitimate firearms dealers out of business, put to better use arresting and locking up violent career criminals. Additionally, it is far more effective for the state to be employing more police officers with the money wasted on this system than perpetuating a bureaucratic nightmare of convoluted interpretations of law, which includes a database of firearm owners since 1931.

As a reminder, here are a few quick points regarding the PSP failing to comply with law\*\*:

1. Reclassifying AR-15 rifles as pistols

2. Illegally requiring Social Security Numbers in violation of federal law (Stollenwerk v. PA – PSP lost this court case then ignored Federal Court Judge Sanchez’ decision)
3. Putting firearms purchasers on a delayed status and ‘then’ automatically denying the firearms transaction.

\*\* (the list above is not complete and there are numerous additional examples)

One would think that spending all this money and time on a duplicate system would return some tangible results! However, you can see the results of all that (our) money spent in supposedly protecting us from criminals buying guns from FFL dealers. It is important to note that the monies spent are ONLY to identify prohibited individuals during the firearms purchase process and are NOT related to the follow up legal and court costs to prosecute these individuals.

- Total **convictions** between 1998 & 2011 – 1,611
- Total **arrests** between 1998 & 2011 – 2,401
- Total **Denials** between 1998 & 2011 – **139,435**
- Total identified **prohibited individuals** between 1998 & 2011 – **113,582**

(The above number (**113,582**) represents individuals that the PSP has not taken any ‘enforcement’ action against for ‘illegally’ attempting to buy a firearm as a disqualified individual provided the denials were for genuine criminals and ‘not’ technical violations of the law.)

- Total **referrals** to ATF since 1998 – 198

The PA State Police have wasted at least \$112 million operating the duplicative Pennsylvania Instant Check System (PICS) system between 1998 and 2014, which could have been done at ‘no’ cost to gun owners or Pennsylvania by the National Instant Check system, a part of which includes the retention and maintenance of a gun owner database that many feel is illegal under current law. How many crimes have the state police solved by the staggering amount of money spent?

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*Firearm Owners Against Crime (FOAC) is non-partisan, non-connected Political Action All-Volunteer Committee organized to empower all gun owners, outdoors enthusiasts and supporters of the 2nd Amendment to the Bill of Rights of the U.S. Constitution and Article 1 Section 21 and Section 25 of the PA Constitution with the tools and information necessary to protect this freedom from transgression. Candidates for office are evaluated every election cycle, approved, placed on an FOAC voter guide and distributed throughout the Commonwealth.*