

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request

OMB Number 1140-0094
Supporting Statement
Certification of Qualifying State Relief from Disabilities Program (ATF F 3210.12)

A JUSTIFICATION

1. Necessity of Information Collection

On January 8, 2008, the President signed the National Instant Check System Improvement Act of 2007, Public Law 110-180 (NIAA). The NIAA was passed in the wake of the April 2007 shooting tragedy at Virginia Tech. Information about the mental health history of the perpetrator at Virginia Tech was not available to the National Instant Background Check System (NICS) that would have enabled it to deny the transfer of the firearms used in the shooting. The NIAA seeks to address the gap in information about prohibiting mental health adjudications and commitments, as well as other records of prohibited persons.

The NIAA authorizes grant programs to support States in their efforts to improve the quality and completeness of criminal record information available to NICS. An applicant State must satisfy certain conditions before being eligible to receive a grant.

The State must provide the U.S. Department of Justice with reasonable estimates of certain categories of available records in the state over a 20 year period. Second, the state must certify to the satisfaction of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that it has implemented a qualifying program permitting persons who were adjudicated as a mental defective or committed to a mental institution to apply for relief from the Federal firearms disabilities imposed as a result of the adjudication or commitment.

Changes made to the form:

- Page 1 – Added a line to list citation for the State Relief Program.
- Page 2 – Updated the form submission address.

2. Needs and Uses

This form is to be used by a State to certify to the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that it has established a qualifying mental health relief from firearms disabilities program that satisfies certain minimum criteria under the NIAA, Section 105.

3. Use of Information Technology

This fillable form will be available for downloading from the ATF Internet web site. Faxes will not be accepted, and the form must contain the certifying State official's original signature. An ATF working group is being established to research electronic signature and electronic submission options, the capabilities and limits of our current infrastructure, and changes that would have to be made to the existing infrastructure to allow for electronic signature and submission. The barriers that ATF faces with this effort are resources, funding, and current infrastructure capabilities. ATF will continue its efforts to provide an option for electronic signature and electronic submission.

4. Efforts to Identify Duplication

ATF uses a uniform subject classification system to identify duplication and to insure that any similar information already available cannot be used or modified for use for the purpose of this information collection.

5. Minimizing Burden on Small Businesses

This collection does not have any impact on small business.

6. Consequences of Not Conducting or Less Frequent Collection

ATF must provide a means for States to certify that they have a valid relief program in place as it relates to persons prohibited under Title 18, U.S.C., Sections 922(g)(4) and (d) (4) due to mental health adjudications and commitments. Without this certification, the States will not be able to apply for grant funding, which will be used by the States to update their recordkeeping systems related to persons subject to firearms prohibitions. The information provided to NICS by the States will subsequently be used by the FBI National Instant Check System to deny the transfer of firearms to prohibited person(s) and keep guns out of the hands of individuals prohibited by Federal or State laws from receiving or possessing firearms and ammunition. The certification requirement allows the States to show compliance with the requirements of the NICS Improvement Amendments Act of 2007, Public Law 110-180 (NIAA). The consequences of not conducting this collection could result in the transfer of a firearm(s) to persons prohibited by Federal or State laws from receiving or possessing firearms and ammunition.

7. Special Circumstances

There are no special circumstances associated with this collection.

8. Public Comments and Consultations

The Firearms Programs Division consulted with ATF's Office of Chief Counsel during the creation of this collection. A 60-day and 30-day Federal Register Notice was published in the

Federal Register in order to solicit comments from the general public. No comments were received.

9. Provision of Payments or Gifts to Respondents

There are no payments or gifts associated with this collection.

10. Assurance of Confidentiality

ATF will keep copies of the certified or denied forms, and the original will be returned to the State for inclusion in its grant application package to BJS. Confidentiality is not assured.

11. Justification for Sensitive Questions

The form includes definitions for the terms “adjudicated as a mental defective” and “committed to a mental institution.” The form pertains to the legal processes and programs made available by the States concerning persons subject to mental health firearms disabilities.

12. Estimate Respondents Burden

The total number of respondents is 50. The time it takes to complete the form is 15 minutes. Each respondent will respond 1 time. The total number of responses is 50. The total burden hours are 13 hours.

13. Estimate of Cost Burden

The cost burden to the respondent is postage (50 respondents x \$0.46 = \$23.00). The cost burden must be reported in thousands, therefore, cost will be reported as 0.

14. Costs to Federal Government

There is no cost to the Federal Government.

15. Reason for Change in Burden

There is no change in burden.

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

ATF does not request approval to not display the expiration date for OMB approval of the information for this collection.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. STATISTICAL METHODS:

This collection does not employ statistical methods.