

U.S. DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT
OMB 1140-0094
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 perpetrator at Virginia Tech was not available to the National Instant Background Check System (NICS) to facilitate a denial of the transfer of 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 because of the adjudication or commitment.

2. Needs and uses

The Certification of Qualifying State Relief from Disabilities Program (ATF F 3210.12) must 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

The Certification of Qualifying State Relief from Disabilities Program (ATF F 3210.12) is accessible and available for public download and completion from ATF's public website. Faxed copies will not be accepted because the completed form must contain the certifying State's original official signature.

4. Efforts to Identify Duplication

ATF uses a uniform subject classification system to identify duplication, and to ensure 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 (NICS), to deny the transfer of firearms to prohibited person(s). This information will also 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

No comments were received during the 60-day Federal Register notice period. However, a 30-day notice will be published in the Federal Register shortly, in order to solicit comments from the public.

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. The original forms will be returned to the State, for inclusion in its grant application package to Bureau of Justice Statistics (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

There are 50 respondents to this form. It will take each respondent 15 minutes to respond one (1) time to this form. Therefore, the total number of responses is 50. The total burden hours for this collection is 13 hours.

13. Estimate of Cost Burden

The cost burden to the respondent is postage costs, which can be calculated as follows: 50 respondents x .49 (Cost per postage) = \$24.50. However, because the cost burden must be reported in thousands the 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.