

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 Form 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 (NIAA), Public Law (P.L.)110-180. The NIAA was passed in the wake of the April 2007 shooting tragedy at Virginia Tech in Blacksburg, Virginia. Information about the mental health history of perpetrator at Virginia Tech was unavailable to the National Instant Background Check System (NICS), to facilitate 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 State initiatives to improve the quality and completeness of criminal record information available to NICS. An authorized official for an applicant State must satisfy certain conditions before being eligible to receive a grant. The State official must provide the U.S. Department of Justice with reasonable estimates about certain categories of available records in the State over a 20-year period. Second, the State official 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 their adjudication or commitment.

2. Needs and uses

The Certification of Qualifying State Relief from Disabilities Program – ATF Form 3210.12 (ATF Form 3210.12) must be used by a State official to certify to ATF that it has established a qualifying mental health relief from firearms disabilities program that satisfies certain minimum criteria under Section 105 of the NIAA.

3. Use of Information Technology

ATF Form 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 official's original signature. However, the State official can submit a digitally or electronically signed form, to ATF for processing.

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 impact small business.

6. Consequences of Not Conducting or less frequent Collection

ATF must provide a method for States officials to certify that they have a valid relief program in place as it relates to persons prohibited under Title 18, United States Code (U.S.C.), Sections (§§) 922(d)(4) and (g)(4) due to mental health adjudications and commitments. Without this certification, the State official will be unable to apply for grant funding, which will be used to update the State's recordkeeping systems related to persons subject to firearms prohibitions. The information provided by the State official to NICS will subsequently be used in the FBI's 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 State's official to show compliance with the requirements of the NIAA, P.L. 110-180. Without this collection, firearm and ammunition could be transferred to persons prohibited by Federal or State laws from receiving or possessing them.

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 (FR) notice period. However, a 30-day FR notice will be published to solicit public comments.

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 ATF Form 3210.12. The original forms will be returned to the State official, 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 State concerning persons subject to mental health firearms disabilities.

12. Estimate Respondents Burden

There are 50 respondents to this collection. 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 public burden 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 0.58 (Cost per postage) = \$29.<sup>1</sup>

14. Costs to Federal Government

There is no Federal Government cost associated with this collection.

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 omit the Office of Management and Budget expiration date for this collection.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

**B. THIS COLLECTION OF INFORMATION DOES NOT EMPLOY STATISTICAL METHODS.**

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<sup>1</sup> <https://www.usps.com/business/prices.htm>