



THE FIX NICS ACT: MYTH VS. FACT

Myth: The bill requires new types of information to be included in NICS.

Fact: Nothing in the bill changes what records are required to be uploaded to NICS. The bill just creates incentives for states and federal agencies to upload the records they are already required to upload under current law.

Myth: The bill will not stop criminals or those intent on doing harm from unlawfully acquiring firearms. It will only assure that more law-abiding gun owners become “prohibited persons” as states dump more records into NICS of non-adjudicated individuals, who have received no due process rights, no right to counsel, and have had no day in court.

Fact: Nothing in the *Fix NICS Act* permits states to dump non-adjudicated individuals into the NICS system. The bill contains incentives to ensure states and federal agencies upload records that are already required to be included in the NICS system and would have ensured that the Virginia Tech, Charleston church, and Sutherland Springs shooters would have been flagged in the NICS system and prevented their firearm purchases.

Myth: The bill will undo H.J. Res. 40 (passed under the *Congressional Review Act*) which overturned the Obama-era Social Security Gun Ban. The Obama ban stripped thousands of innocent Social Security recipients of their Second Amendment rights for something as simple as using a financial fiduciary, or being incorrectly diagnosed with a “mental disability.”

Fact: The *Fix NICS Act* does nothing to undo H.J. Res. 40. Current law requires both written and oral notice be given when facing a mental health adjudication. Nothing in the bill changes that.

Myth: The bill prevents citizens from having their day in court.

Fact: Under current law, individuals facing adjudication of their mental health are, in fact, given notice. Further, they are afforded the right to counsel and all decisions can be appealed to a federal court. The *Fix NICS Act* does not change this.

Myth: The bill incentivizes states to strip large numbers of law-abiding citizens of their Second Amendment rights, with no due process of law.

Fact: Nothing in the *Fix NICS Act* prevents law-abiding citizens from gun ownership. The bill simply ensures that all relevant prohibiting records – which current law already requires to be uploaded – will be placed into the NICS system, preventing convicted criminals and others who have gone through the justice system, from purchasing a firearm.