

## **140-2-.17 Brady Handgun Violence Prevention Act.**

(1) Effective November 1998, the Federal Brady Law established a National Instant Criminal Background Check System (NICS) that Federal Firearms Licensees (FFLs) must contact before transferring any firearm to an unlicensed individual. GCIC has authority to provide criminal history, wanted person and involuntary hospitalization records information to the FBI in conjunction with the NICS and in accordance with the federal 'Brady Handgun Violence Prevention Act'.

(2) GCIC records shall include information as to whether a person has been involuntarily hospitalized. Notwithstanding any other provisions of law, and in order to carry out O.C.G.A. § 16-11-172, GCIC shall be provided – in a manner agreed upon by the Probate Judges Training Council and the Georgia Bureau of Investigation (GBI) – such information and no other mental health information, to preserve the confidentiality of patient's rights in all other respects, from the involuntary hospitalization records of the probate courts concerning persons involuntarily hospitalized after March 22, 1995. Further, notwithstanding any other provisions of law and in order to carry out the provisions of O.C.G.A. § 16-11-172, GCIC shall be provided information as to whether a person has been adjudicated mentally incompetent to stand trial or not guilty by reason of insanity at the time of the crime, has been involuntarily hospitalized or both from the records of the clerks of the superior courts concerning persons involuntarily hospitalized after March 22, 1995, in a manner agreed upon by the Council of Superior Court Clerks of Georgia and the GBI to preserve the confidentiality of patient's rights in all other respects. Five years from the date that GCIC receives a person's involuntary hospitalization information, the center shall purge its records of such information as soon as practicable and, in any event, within 30 days of the expiration of such five-year period. Authority O.C.G.A. Secs. 16-9-90, 16-11-170 et seq., 35-3-32, 35-3-34, 35-3-38, 37-3-81, 18 U.S.C. Secs. 921-923. **History.** Original Rule entitled "Sanctions" adopted. F. Dec. 4, 1991; eff. Dec. 24, 1991. **Repealed:** New Rule entitled "Georgia Instant Background Checks for Firearms Purchases" adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998. **Amended:** F. Sept. 5, 2002; eff. Sept. 25, 2002. **Repealed:** New Rule entitled "Brady Handgun Violence Prevention Act" adopted. F. Sept. 25, 2007, eff. Oct. 15, 2007.