

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

§ 10609. Background check required.

(a) The Department of Public Safety must complete a background check for any person who applies for a Firearm Owner's Identification Card.

(b) National Instant Criminal Background Check System.

(1) The Department of Public Safety shall act as the Commonwealth Point of Contact for the National Instant Criminal Background Check System.

(2) The Department of Public Safety shall, in accordance with Commonwealth and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation, Bureau of Alcohol Tobacco, Firearms & Explosives, the Federal Bureau of Investigation's Criminal Justice Information Services, the National Crime Information Center, the National Criminal Justice Reference Service, the Brady Center to Prevent Gun Violence, Criminal Justice Information Center, or other responsible federal agencies or nongovernmental organizations, for the purpose of implementing the National Instant Criminal Background Check System in the Commonwealth. The Department of Public Safety shall report the name, date of birth, and physical description of any person prohibited from possessing a firearm pursuant to the Firearm Owner's Identification Card Act or 18 U.S.C. 922(g) and (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.

(3) To the extent possible, all information from any Commonwealth or local government agency that is necessary to complete a National Instant Criminal Background Check System check shall be provided to the Criminal Justice Information Center.

(c) The background check required by this section shall include a search of:

(1) The National Instant Criminal Background Check System of the Federal Bureau of Investigation;

(2) Commonwealth criminal history files;

(3) Commonwealth and federal records regarding wanted persons;

(4) Commonwealth and federal records of domestic violence restraining and protective orders;

(5) Commonwealth and federal records identifying persons who are unlawful users of or addicted to any controlled substance; and

(6) Any other available files of any federal, state, and local agency and other entity (private or public) in any jurisdiction likely to contain information relevant to whether the applicant is prohibited from purchasing or possessing a firearm under federal, state, or local law.

Source: [PL 19-73](#) § 4 (Dec. 1, 2016), modified.

Commission Comment: The Commission renumbered this section pursuant to [1 CMC § 3806](#)(a). The Commission changed "Owners" to "Owner's" in (a) and (b)(2) pursuant to [1 CMC § 3806](#)(g).