

Report Highlights

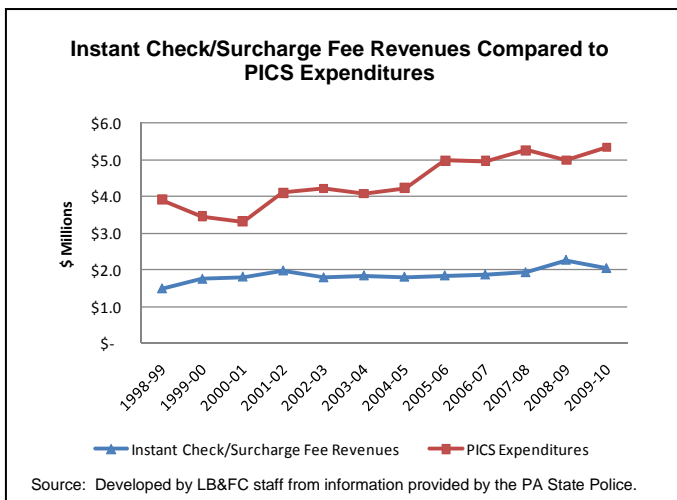
Adequacy of Fees Charged in Pennsylvania's Instant Check System for Firearm Purchases

Act 1995-17 calls on the LB&FC to assess the adequacy of the \$5 fee (\$2 instant check fee and \$3 surcharge fee) charged to conduct a background check when purchasing a firearm in Pennsylvania. This system, known as PICS (Pennsylvania Instant Check System), can conduct an immediate background check on individuals who attempt to purchase a firearm, receive a firearm through a transfer, or apply for a license to carry a firearm. PICS is operated by the Pennsylvania State Police (PSP). We found:

- **PICS handled 663,003 calls in 2009, 94% of which were approved during the first call.** Of those approved during the first call, 60% were approved through the Interactive Voice Response system and 35% were approved after being transferred to an operator.
- **Of the 9,449 calls that were initially denied, 3,721 were challenged, resulting in 1,448 being reversed.** Pennsylvania's initial denial rate (1.4%) is similar to the national rate (1.5%).
- **In recent years, the \$5 instant check fee/surcharge has generated enough revenue to cover about 40% of PICS expenditures.** In recent years, PICS expenditures have been about \$5 million annually. The \$5 instant check fee/surcharge has generated about \$2 million annually. The additional costs of the PICS system are covered by General Fund monies.

transactions. These 13 states are known as Point of Contact (POC) states. Thirty-five states and territories do not use a POC agency for any firearm transactions; the FBI performs the background checks in these states. The FBI provides this service free of charge.

- **Instant check fees in POC states range from no fee (in two states) to \$25 (Nevada).**
- **PA could abandon the PICS system and join the 35 nonPOC states and territories that use the FBI to conduct instant background checks, free of charge.** The PSP, however, notes several advantages to continuing as a POC state:
 - Currently (Oct. 2010), 1,528 Protection From Abuse (PFA) orders lack sufficient numeric identifiers (e.g., SS#) to be entered into the National Crime Information Center. These PFAs are, however, included in PICS and would be recognized on a PICS check.
 - Federal policy provides for firearms to be transferred after 3 business days if a potential denial situation cannot be resolved. As a POC state, PA is allowed additional time to research checks that cannot be resolved within this 3-day period.
 - PICS has been responsible for identifying and capturing 1,323 (as of Sept. 2010) fugitives attempting to acquire a firearm that would not have occurred if PA was not a POC state.
 - Federal regulations prohibit using NICS for any purpose other than conducting background checks related to firearm sales. The PSP can, however, use PICS to conduct checks for law enforcement agencies attempting to return seized or confiscated firearms to ensure the owners are allowed to possess firearms. The PSP reports having conducted over 20,000 such evidence returns.
 - In POC states, the decisions regarding who can possess a firearm are made at the state level, which many citizens prefer over having the federal government make these decisions.



- **To have fully funded the PICS program in FY 2008-09 and 2009-10, the \$5 combined instant check/surcharge fee would need to increase to \$12.** This figure is based on actual historical costs. The PSP has calculated that to have a fully self-sufficient PICS going forward, fees would need to be raised to a combination totaling \$17.
- **PA is one of 13 states that use a state agency to conduct background checks on all firearm**

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