

TOUs are also available via the Internet on the Law Enforcement OnLine (LEO) at [www.leo.gov](http://www.leo.gov), concerning access to the LEO should contact the LEO Program Office at (202) 324-8833.

\*\*\*\*\*

**SECTION 2 – SYSTEM CHANGES**

**2.1 CHANGE TO NCIC ENTRY CRITERIA TO INCLUDE NONSERIOUS AND MISDEMEANOR OFFENSES**

AFFECTED BY CHANGE:

- Introduction**
- Boat File**
- Foreign Fugitive File**
- Identity Theft File**
- Immigration Violator File**
- Missing Person File**
- Other Transactions**
- Protection Order File**
- Convicted Sexual Offender Registry File**
- Supervised Release File**
- USSS Protective File**
- Vehicle File**
- Violent Gang and Terrorist Organization**

**File**

**Wanted Person File**

EFFECTIVE DATE:

**September 3, 2006**

**Background**

In December 2003, the CJIS Advisory Policy Board (APB) approved expanding the entry criteria for the Wanted Person File of the NCIC to include nonserious misdemeanor offenses, regardless of the extradition status or the seriousness of the offense. The CJIS APB also stipulated that the NCIC System use the Extradition Limitation (EXL) Field to filter responses. Therefore, the EXL Field will be required for entry of all nonextraditable misdemeanor offenses. CJIS Division staff will create codes for the EXL Field to distinguish between misdemeanor and felony warrants.

Allowing law enforcement agencies to enter nonserious misdemeanor warrant information will enhance the general search capabilities of the Wanted Person File. This enhancement will be implemented through the use of new inquiry Message Keys (MKEs), in addition to the current Wanted Person Inquiry (QW). The NCIC will return new response caveats with each corresponding inquiry MKE.

Upon entry of a nonserious misdemeanor warrant into the NCIC Wanted Person File, the entering agency should use existing codes for the Offense Field as outlined in the Uniform Offense Codes, *NCIC 2000 Code Manual* (December 2000). The entering agency should use the code that best identifies the offense (e.g., driving without a license - 5499 - traffic offense).

When an appropriate code does not exist, users should contact the CJIS Division's Investigative and Operational Assistance Unit at (304) 625-3000 for assistance in proper coding or to establish new

# What Federally Prohibits an Individual From Purchasing/Receiving A Firearm?

- **Convicted of a crime punishable by imprisonment for a term exceeding one year;**
- **Fugitives from Justice - the subject of an active warrant;**
- **Unlawful Users of or Addicted to any controlled substance;**
- **Adjudicated as a Mental Defective or involuntarily committed to any mental institution;**
- **Illegal or Unlawful Aliens;**
- **Dishonorable Discharge from the U.S. Armed Forces;**
- **Renunciation of U.S. Citizenship;**
- **Subjects of Protection/Restraining Orders;**
- **Misdemeanor Crimes of Domestic Violence; and**
- **Under Information/Indictment for a crime punishable by imprisonment for a term exceeding one year.**



MessageFrom: ALDRIDGE, THOMAS G. (CJIS) (FBI)  
Sent: Friday, September 23, 2005 1:02 PM  
To: CARLILE, HARRY E. (CJIS) (FBI); MANSON, DEAN R. (CJIS) (FBI)  
Cc: SUNDIN, M MCINTYRE (CJIS) (FBI)  
Subject: Entry of civil warrants into NCIC Wanted Person File

UNCLASSIFIED  
NON-RECORD

Harry & Dean,

This responds to your questions regarding the entry of civil warrants into NCIC. There is no legal objection to the entry of civil warrants into the NCIC Wanted Person File, provided the offense is extraditable. The NCIC 2000 Operating Manual does not distinguish between a civil or criminal warrant. Rather, the applicable criteria for entry of an individual (including a juvenile who will be tried as an adult) into the NCIC Wanted Person File is that the agency have an outstanding felony or serious misdemeanor warrant. The "seriousness" requirement mandates that the warrant be for something greater than a petty matter (such as vagrancy, routine traffic violations, loitering, etc.). The determination of whether a crime is a serious misdemeanor is left to the discretion of the entering agency based upon the jurisdiction's applicable law. In situations where an agency is absolutely certain that an individual wanted for a felony will not be extradited, the individual's record may still be entered in NCIC using the appropriate code in the Extradition Limitation Field.

You should be aware that the CJIS Division Advisory Policy Board approved the entry of all warrants into NCIC regardless of extradition and the seriousness of the offense. This recommendation was approved by the FBI and the NCIC enhancement is slated to be effective in September 2006. The NCIC 2000 Operating Manual is in the process of being amended to reflect this change. When this enhancement becomes effective, the NCIC user must be able to enter an appropriate code in the Extradition Limitations Field prior to entry of nonserious or nonextraditable misdemeanor warrants. Not all states or agencies may choose to enter this expanded category of misdemeanor warrants.

If you have any further questions on this matter, please feel free to contact me.

Thomas G. Aldridge  
Office of the General Counsel  
CJIS/Access Integrity Unit  
Voice (304) 625-3620  
Pager 1-877-364-5587  
Cell (304) 672-0466

UNCLASSIFIED