

LEADS Daily Bulletin

October 4, 2023

Order of Protection - Brady Indicator

NCIC mandates that when an Order of Protection (OP) is entered, the entering agency should independently determine whether to enter that the Respondent is prohibited under federal law from possessing firearms (i.e. the Brady Bill restrictions) even if the State judge has not indicated such a restriction on the original OP form. Although the state-issued OP may not prohibit the person from possessing firearms, the LEADS agency entering the record is required to determine if the specific federal requirements identified by NCIC have been met and therefore, whether the person would be prohibited from possessing firearms pursuant to federal law.

Only an Interim or Plenary Order of Protection can contain a Brady indicator of Y (Yes) or U (Unknown). Emergency Orders of Protection do not meet the criteria specified by law; therefore, the Brady indicator must be N (No).

PROTECTED PERSON	SUBJECT	BRD
Spouse	Spouse	Y
Former spouse	Former spouse	Y
Unmarried Child in Common	Unmarried Child in Common	Y
Unmarried Currently or formerly living together unless documentation of cohabitation exists	Unmarried Currently or formerly living together unless documentation of cohabitation exists	U
Child	Parent	Y
Stepchild	Stepparent	Y
Currently or formerly cohabiting	Currently or formerly cohabiting	Y
Parent	Child	N
Nephew/Niece	Uncle/Aunt	N
Uncle/Aunt	Nephew/Niece	N
Grandchild	Grandparent	N
Grandparent	Grandchild	N
Brother/Sister	Brother/Sister	N
Cousins	Cousins	N
Roommates	Roommates	N
Neighbors	Neighbors	N
Stepparent	Stepchild	N
Boyfriend/Girlfriend unless cohabitation exists	Boyfriend/Girlfriend unless cohabitation exists	N
Same sex cohabiting, intimate relationship	Same sex, cohabiting, intimate relationship	Y
Stranger	Stranger	N

