

LEADS DAILY BULLETIN

October 15, 2025

Understanding Brady Record Indicator Status on Protective Orders

NCIC mandates that when a Protection Order (PO) is entered, the entering agency must independently determine if the Respondent is prohibited under federal law from possessing firearms (*Brady* Handgun Violence Prevention Act of 1993 - "*Brady Act*") regardless of **whether or not** the State judge has imposed such a restriction on the original order. Although the state-issued PO may or may not prohibit the person from possessing firearms, the LEADS agency entering the record is required to determine if the specific federal requirements identified in the Brady Act have been met and therefore, whether the person would be prohibited from possessing firearms pursuant to federal law.

Only a final protection order record (**MKE/EPO, EPOC, EPO3, EPO3C**) can contain a Brady indicator of Y or U (unknown). Emergency or temporary orders (MKE/ETO, ETOC, ETO3, ETO3C) issued ex parte **do not** meet the criteria specified by law, and, therefore, the Brady field is grayed out.

Y – Yes: Respondent is prohibited under federal law from possessing firearms, i.e., the order meets the federal criteria.

N – NO: Respondent is not prohibited under federal law from possessing firearms, i.e., the order does not meet the federal criteria.

U – Unknown: Cannot be determined if Respondent is federally prohibited from possessing firearms, i.e., cannot be determined if the order meets the federal criteria. Prior to entering the record, an entering agency should make every attempt to determine the firearm disqualification status. The U code should only be used when it is impossible to make that determination.

The following list enumerates the elements that define a qualifying protection order under the federal firearms prohibition. Generally, a defendant/responded subject to a protection order that includes one element (indicated below by bullet point) from each section listed below is covered by the federal firearms prohibition:

Hearing

- Defendant/Respondent received actual notice and had an opportunity to participate.

Intimate Partner

- Plaintiff/Petitioner is an **intimate partner** of the Defendant/Respondent this is:
 - A **spouse** of Defendant/Respondent
 - A **former spouse** of Defendant/Respondent
 - An individual who is a **parent** of a child of Defendant/Respondent; **or**
 - An individual who **cohabitates or has cohabited** with Defendant/Respondent.

Intimate Partner--with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabit or has cohabited with the person.

Cohabitation--requires a live-in relationship (or former live-in relationship) between two (2) individuals (can be same sex) which, in essence, is a sexual/romantic relationship, NOT merely a roommate.

Restrains Future Conduct (Illinois Remedy 1)

- The order **restrains** Defendant/Respondent from **harassing, stalking, or threatening** the intimate partner, child of the Defendant/Respondent, or child of Defendant/Respondent's intimate partner; **or**

[illegible]