

SEARCH Membership Group Meeting

Government Affairs Update

July 2023
Long Beach, CA



AGENDA

- **Old Business**
 - **Policing Reform Executive Order**
 - **Bipartisan Safer Communities Act (BSCA)**

- **New Business**
 - **118th Congress (Current State of Play)**
 - **FY 2024 Spending Negotiations**
 - **Firearms Screening Legislation**
 - **Expungement/Sealing Proposals**
 - **Marijuana Policy**
 - **Data Privacy**
 - **Asset Forfeiture Reform**

We Need to Hear From You!



Please, tell us more.

A meme featuring a man in a dark suit, white shirt, and dark tie. He has a questioning expression on his face, looking slightly to the right. The background is dark and out of focus, with some blue light on the right side. At the bottom, the text "SO, WHAT HAPPENED?" is written in large, bold, white, sans-serif capital letters.

SO, WHAT HAPPENED?

**Implementation
Update:
Policing Reform
Executive Order**

EO Update

- **President Biden signed executive order on May 25, 2022**
 - DOJ 92 items
 - DHS 35 items



- **Use-of-force data collection and reporting**
- **Officer misconduct database**
- **DOJ accreditation standards**
- **Grant program leverage (incentives?)**

Hill Impact

- **No path forward for major legislation**
- **Will see stand-alone bills introduced to codify parts of the Executive Order**
- **Unless significant triggering events, D's and R's will continue to renounce “defund”**
 - House budget impact?
 - House R oversight focus on FBI and “weaponization of the federal government”?

**Implementation
Update:
Bipartisan Safer
Communities Act**

Bipartisan Safer Communities Act (BSCA)

- **Efforts to implement BSCA (signed into law in June 2022) include:**
 - Enhanced background checks for individuals under age 21
 - Updated definition of “misdemeanor crime of domestic violence
 - Revised definition of who is “engaged in the business” of dealing firearms
 - Resources to states and localities, including NCHIP supplemental and SCIP



Yeah, well, what else is new.

118th Congress

Politics



FY 2024

Spending Negotiations

Outlook for FY 2024 Appropriations



Not great, Bob!



House/Senate Funding Recommendations

	FY 2023 Enacted Level	Senate FY 2024 (Approved by Full Senate Appropriations Committee)	House FY 2024 (Approved by House CJS Subcommittee)
NCHIP	\$70 million	\$64 million	\$69.5 million
NARIP	\$25 million	\$25 million	\$25.5 million

****Plus \$40 million BSCA NCHIP
supplemental funds****

Senate Appropriations Committee

Report Highlights

- “The Fix NICS Act allows the Attorney General to waive the National Criminal History Improvement Program match for States that are in compliance with the implementation plan required under Section 107 of the NICS Improvement Amendments Act of 2007 (Public Law 110–180). ***The Committee directs the Department to remind States of the possibility of this waiver in guidance or technical assistance regarding this grant program.***”

Senate Appropriations Committee

Report Highlights

- “The Committee is aware that many State laws and policies provide for the expungement or sealing of certain criminal records, making it possible for people with past convictions to access employment and housing, or exercise their social and civic rights. However, many States do not have the resources for appropriate technology to implement such policies effectively. ***The Committee urges the Department to ensure that grants made under the National Criminal History Improvement Program [NCHIP] can be made available for supporting States in the planning and the implementation of records systems that allow for the efficient expungement or sealing of qualifying criminal history records***

PROGRAM INTERRUPTION!



Subscribe to the BBM Blog

- To view and subscribe to the blog, please follow the steps below:
 - Go to: <https://bbm-dcblog.com/blog/>
 - Use the password: BBMBlog2020##
 - Enter your e-mail address to subscribe!

Or email Melissa: mnee@bbm.com

The blog includes detailed information on priority topics, including appropriations updates.

NCHIP Supplemental

- **What are states planning to do with BSCA NCHIP supplemental funds?**
- **Anecdotal input on NCHIP SF collaboration between repositories and court systems in the states?**
- **Challenges with NCHIP SF rounds 1 and 2 plus regular FY23 NCHIP back-to-back?**

Firearms Screening

Firearms Issues

- **Ghost gun final rule issued last year**
- **Final rule on stabilizing braces issued**
- **NICS denial reporting to local LE as of 10/1**
- **Federal support for state ERPO implementation included under BSCA supplemental JAG funding**
- **Boyfriend loophole closed under BSCA**
- **Disqualifying JJ or MH records for 18-21 / 10-day period**
- **Illegal Alien NICS Alert Act on House agenda**
- **Continued proposals to ban assault weapons and high-capacity magazines**

Supreme Court to Decide Gun Rights Case



Supreme Court to review law barring domestic abusers from having guns

[washingtonpost.com](https://www.washingtonpost.com)

Criminal History Record Use & Management

Clean Slate Act

- Requires “automatic” sealing of certain federal criminal records
- Establishes new procedures to allow individuals to petition to seal records for other nonviolent offenses that are not “automatically sealed”
- Holds strong bipartisan support

Fresh Start Act

- Authorizes NCHIP to provide grants to states to “automate” their criminal records programs
- Requires state recipients to report re: individuals eligible for expungement/sealing; number of expungements/seals disaggregated by race, ethnicity, and gender
- Holds strong bipartisan support

Fresh Start in Senate Appropriations Committee Report!

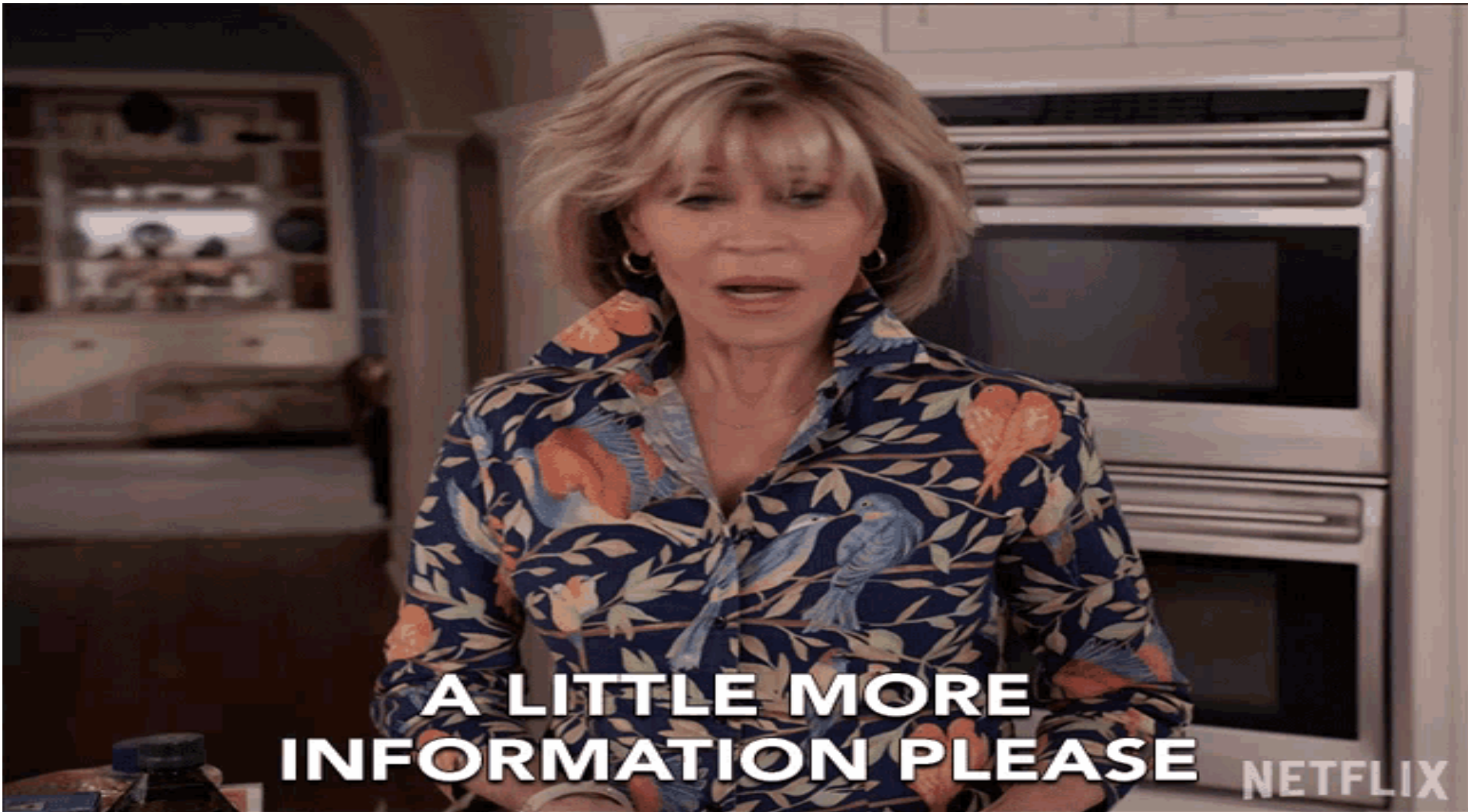


“The Committee urges the Department to ensure that grants made under the National Criminal History Improvement Program [NCHIP] can be made available for supporting States in the planning and the implementation of records systems that allow for the efficient expungement or sealing of qualifying criminal history records without requiring those eligible to

Marijuana Policy

- **SAFE Banking Act**
 - Enables cannabis businesses access to banking system
- **HOPE Act**
 - Authorizes grants for state/local expungement efforts for non-violent marijuana offenses
- **GRAM Act**
 - Exempts gun ownership restrictions for cannabis users in legalized states
- **October 2022: POTUS blanket pardon for all federal marijuana possession offenses; marijuana scheduling review by HHS/DOJ**
 - Scheduling decision expected in 2023

Implementation of State-Level Marijuana Reform Laws



**A LITTLE MORE
INFORMATION PLEASE**

NETFLIX

Investigations and Information Sharing

Digital Evidence

- **Bipartisan support to rein in “Big Tech” and “surveillance capitalism”**
- **Legislation**
 - American Data Privacy Protection Act
 - Fourth Amendment Not for Sale Act
- **Regulation**
 - Federal Trade Commission Advanced Notice of Proposed Rulemaking
 - Policing Executive Order implementation re: surveillance and forensic technologies



BROOKS BAWDEN MOORE
LLC

Questions

Dean Kueter

dkueter@bbm-dc.com

(202) 207-7196

Melissa Nee

mnee@bbm-dc.com

571-643-1379

