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## Senate of Pennsylvania

August 15, 2007

**VIA FAX/HARD COPY TO FOLLOW**

The Honorable Jeffrey B. Miller  
Commissioner  
Pennsylvania State Police  
1800 Elmerton Avenue  
Harrisburg, PA 17110

Dear Commissioner Miller:

Thank you for your correspondence of August 8th regarding the Pennsylvania State Police's planned upgrade of computerized criminal history record information (CCHRI) system. I appreciate the complexity of this undertaking, and the impact that this project will have on the State Police as well as the citizens of the Commonwealth.

That being said, I wanted to make you aware of concerns I have received from citizens in the 20<sup>th</sup> District about the planned disruption of the PA Instant Check System (PICS) from September 2-6, 2007. This decision will cause direct financial losses for a number of Pennsylvania's firearm retailers and will impede the ability of citizens to purchase firearms during a holiday weekend.

Pennsylvania has an obligation, as a Point of Sales state under the Brady Act of 1993, to maintain and operate a state specific instant background check systems that can enable rapid investigation of potential gun purchasers by searching state and national databases for "hits." By shutting down the system for four days, we are failing to meet that requirement.

Given the parallel operation of the Department of Justice's NICS systems, is there any possibility that we could use NICS to conduct criminal history checks on a temporary basis during the conversion period? Additionally, would we be able to meet the PICS specific requirements linking the NICS check into searches of the PA-specific databases (e.g. mental health, substance abuse, protection from abuse)?

I would welcome the opportunity to discuss this matter with your further. I remain hopeful that the State Police can find an alternative solution to the planned PICS shutdown, a solution that would better balance the operational and public safety concerns with the economic and constitutional concerns of the Pennsylvania's citizens.

Sincerely,

A handwritten signature in cursive script that reads "Elisabeth Baker".

Elisabeth J. Baker  
Senator

pc: Senator Joseph Scarnati  
Senator Dominic Pileggi  
Senator John Rafferty